

University of Missouri, St. Louis  
IRL @ UMSL

---

Dissertations

UMSL Graduate Works

---

7-10-2018

# The Political Nature of Defense Policy in Congress

Timothy Welter  
[tmwdn2@mail.umsl.edu](mailto:tmwdn2@mail.umsl.edu)

Follow this and additional works at: <https://irl.umsl.edu/dissertation>

 Part of the [American Politics Commons](#), [Defense and Security Studies Commons](#), [International Relations Commons](#), [Military and Veterans Studies Commons](#), [Other Political Science Commons](#), and the [Policy History, Theory, and Methods Commons](#)

---

## Recommended Citation

Welter, Timothy, "The Political Nature of Defense Policy in Congress" (2018). *Dissertations*. 781.  
<https://irl.umsl.edu/dissertation/781>

This Dissertation is brought to you for free and open access by the UMSL Graduate Works at IRL @ UMSL. It has been accepted for inclusion in Dissertations by an authorized administrator of IRL @ UMSL. For more information, please contact [marvinh@umsl.edu](mailto:marvinh@umsl.edu).

The Political Nature of Defense Policy in Congress

Timothy M. Welter

M.S., National Security Strategy, National Defense University, National War College, 2018

M.A., Political Science, University of Missouri-St. Louis, 2017

M.S., Management, University of Maryland, University College-Adelphia, 2007

B.S., Biology, United States Air Force Academy, 1997

A Dissertation Submitted to The Graduate School at the University of Missouri-St. Louis  
in partial fulfillment of the requirements for the degree  
Doctor of Philosophy in Political Science

August

2018

**Month and Year of graduation**

Advisory Committee

David B. Robertson, Ph.D.  
Chairperson

Andrew D. Glassberg, Ph.D.

David C. Kimball, Ph.D.

J. Martin Rochester, Ph.D.

# **The Political Nature of Defense Policy in Congress**

## **Table of Contents**

Abstract...	3
Prologue...	4
Chapter 1 – Introduction...	7
Chapter 2 – Background & Literature Review...	18
Chapter 3 – Methodology...	41
Chapter 4 – Institutional Influences...	65
Chapter 5 – Domestic Influences: Case Studies...	149
Chapter 6 – Domestic Influences: Interviews...	184
Chapter 7 – International Influences: Interviews...	196
Chapter 8 – International Influences: Case Studies...	217
Chapter 9 - Conclusion...	241
References...	253

## Abstract

Is defense policy more collegial than other policy issues addressed by Congress? More specifically, what are the institutional and political motives which drive a majority of the members of Congress to consistently transcend partisanship in order to pass defense focused legislation into law?

The purpose of this study was to test whether or not the consideration of defense policy in the House of Representatives is unique in its ability to transcend partisanship. And if so, why?

Hypothesis: The formulation of defense policy in the U.S. House of Representatives is approached with more collegiality than other policy issue areas, mainly due to institutional, domestic, and international political pressures on members that transcend competing partisan motivations.

Defense policy was operationalized by the National Defense Authorization Act (NDAA). "Other types of policy" was operationalized by the Farm Bill and the Highway Bill. "Collegiality," the primary dependent variable, was defined as exceptional and consistent cooperative interaction among colleagues over time that rendered legislation which garnered support of at least a bipartisan supermajority (two-thirds) of the House of Representatives upon its final passage.

A mixed methods approach was employed using the annual NDAA process as a study vehicle. Qualitative and quantitative analysis included case studies of U.S. legislative history that compared the NDAA process with that of the Farm Bill and Highway Bill. Deliberations over the bills were explored during three five-year periods of notable partisanship in U.S. politics that coupled with notable U.S. security concerns abroad: 1961-66, 1993-98, and 2007-12. Case studies were complemented by interviews with 25 members of the policy community

The study concluded that the NDAA is essentially a de facto annual omnibus authorization bill with unparalleled political and institutional momentum that serves individual policymaker interests as well as the public interest. As such, the NDAA is an institution unto itself and its annual process consistently demands House members approach it in a uniquely collegial manner, providing strong evidence defense policy formulation is more collegial than other policy areas.

## **Prologue - 9/11**

On September 11, 2001 (9/11), airplanes hijacked by terrorists at some of the nation's busiest airports were used as missiles to attack the United States from within. They killed over 3,000 people, mostly Americans, at the Pentagon in Washington, D.C., the World Trade Center in New York City, and a field in rural Pennsylvania.

Congress acted swiftly in response and introduced the U.S.A. Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (PATRIOT) Act, which provided the government with sweeping authorities deemed necessary by policymakers at the time to deal with the terrorist threat (Library of Congress 2015a). The bill was referred to eight committees for consideration in the House (Library of Congress 2015a).

A bill's referral to more than one committee is often seen as a death knell given the process hurdles and partisan snarls it must overcome to get through the legislative process. However, the PATRIOT Act met with little resistance in the committees to which it was referred and subsequently on the House floor. Surrounding debates were largely substantive, concerned with provisions which proposed to enact liberal security powers allowed to be exercised by the federal government versus what was viewed by some as an insufficient balance in the protection of liberties (Library of Congress 2015a). Accordingly, partisanship fell to the wayside during the legislative process, the product of a nation back on its heels. The PATRIOT Act passed the Senate 98-1, and the House 357-66. It was signed by the president on October 26, 2001 just six short weeks after the 9/11 attacks (Library of Congress 2015a).

Soon after, the bill creating the new Department of Homeland Security (DHS) bill passed through the entire legislative process despite its referral to twelve committees for consideration in the House alone (Library of Congress 2015b). As previously explained,

its referral was significant with regard to institutional and organizational politics, as bills referred to multiple committees for consideration, due to overlapping and complex jurisdictional issues, are more likely doomed to fail. At least one, but usually more committees along the process will not place the bill on the agenda nor surrender jurisdiction to another committee. Or, a bill never rises high enough on the agendas of the committees of jurisdiction and therefore dies. While the DHS bill did not have quite the political momentum of the PATRIOT Act, it still held its own, garnering a spectrum of supporters despite its vast scope and the sweeping policy changes it enabled.

The process which shepherded the passage of the DHS legislation was dubbed “the largest reorganization of government in more than half a century,” by Senator Tom Coburn (2015). Nonetheless, the bill passed the House 295-132, and the Senate 90-9, with relatively strong bipartisan support in both chambers (Library of Congress 2015b). Public Law 107-296, created the new DHS bureaucracy on November 25, 2002 (Library of Congress 2015b), which now spends over \$61 billion a year and employs over 240,000 people (Painter 2013).

DHS likely would never have come into existences had it not been for the 9/11 terrorist attacks. Why else would a Republican administration betray their party’s fundamental conservative principle of small government by creating a new cabinet-level department that banded together a random collection of twenty-two somewhat marginally related federal entities (including FEMA, the Secret Service, and the U.S. Customs Service), with disparate missions and cultures under one new behemoth bureaucracy (Coburn 2015)?

Even in the shadow of the 9/11 attacks, the White House was not convinced that creating an entirely new department was a viable solution to remedy the policy problem

of how to battle terrorism domestically (Baker 2013). Accordingly, political author and reporter Peter Baker (2013) noted the creation of DHS was looked to by the White House “as a bureaucratic nightmare in the making...an idea that Bush opposed for nine months.”

However politically prickly the debates over solving nation’s security problems, defense policy formulation has arguably been characterized over time as less vitriolic than that of other policy issue areas, frequently ending in policy solutions both parties see eye-to-eye on—especially when compared with other policy realms. Be it the response to the attacks on Pearl Harbor or those of 9/11, resourcing means to keep North Korean missile technology or the Viet Cong at bay, or preserving the legitimacy of the U.S. electoral process against a Russian misinformation campaign, when it comes to rallying around the flag on defense related issues, policymakers have been routinely observed in the media, by scholars, anecdotally, and in official records as acting with greater unity, even when faced with especially challenging domestic political climates. It is a relentlessly enduring trend of American policymaking history—elected officials have repeatedly bypassed partisan loyalties, in unique fashion, to assure the nation’s defense. This study is focused on providing a comprehensive understanding of why. That is, how legislation like the U.S.A. PATRIOT Act, the bill that authorized the creation of the DHS immediately after 9/11, and the National Defense Authorization Act (NDAA) for the past fifty-plus years—essentially the formulation of defense policy in Congress—has been able to historically transcend partisan detractors and environments of all stripe and enjoy more collegial deference in Congress than other policy issues.

## Chapter 1 – Introduction overview

As of this writing, the National Defense Authorization Act (NDAA) has been passed by Congress and signed into law every year since 1961 (Shogan 2011, 3). It passed in times of war and peace, prosperity and recession, and despite varying institutional political pressures from within Congress, as well as those emanating from the domestic and international political environments. What does the NDAA's resolute success over the years say about the political nature of defense policy formulation in Congress? This chapter provides an introduction to that topic and outlines a roadmap for how this study attempted to answer the following research question: **Is defense policy more collegial than other policy issue areas addressed by Congress? If so, how and why?** After a short contextual prelude that discusses the genesis of the research question, a brief description of each of the remaining chapters follows, to include: the background and literature review (Chapter 2); research design and methodology (Chapter 3); analyses of institutional (Chapter 4), domestic (Chapters 5 & 6), and international (Chapters 7 & 8) political influences weighing on the political nature of defense policy in Congress; concluding thoughts and assessment of the hypotheses (Chapter 9).

### Background & research question

Despite what has been characterized as an historic level of political partisanship in Washington, there are policy issues which arguably enjoy more collegiality in Congress than others. There are myriad anecdotes, for example, of defense policy transcending the fray of partisanship with more ease than others, even in times of great domestic political dissension. Such an atmosphere was especially evident during the Cold War, when difficult sociopolitical and economic challenges at home (especially during the 1960s and 1970s) saw policymakers from opposite sides of the aisle come together to counter a



common Soviet threat.

While there may have been agreement on the threat itself, views on how best to counter that threat were disparate at times and often politically charged, especially if there were domestic political consequences attached. Former Secretary of State and National Security Advisor Condoleezza Rice identified such an instance during the Reagan-Carter presidential campaign of 1980. Reagan ran and won using a “peace through strength” slogan. The message was a means to assure the majority of Americans – polled as favoring the pursuit of peace—that the military buildup he proposed was to bolster deterrence and thereby prevent war with the Soviet Union, a remedy to Carter’s approach of disarmament which, Reagan claimed, made the U.S. vulnerable to war and isolated U.S. allies (Skinner, Kudelia, Mesquita and Rice 2007).

The same principle could be applied to the threat of transnational terror in the modern era. While there is definitive bipartisan agreement that transnational terror is a threat to the United States, cooperation on how to deal with it effectively has been politically contentious at times. However contentious the related debates, those specifically focused on defense policy are often characterized as less vitriolic than debates over other types of policy. The question at hand is whether or not those observations represent a consistent, demonstrable trend, or just anecdotes about a process that is not necessarily unique. Are they truly the result of hopeful optimism—in a bitterly polarized period—representing the willingness of national leaders to lay aside differences and cooperate for the greater good when faced with serious threats to U.S. interests?

The purpose of this study was to help explain the nature of defense policy formulation in Congress. More specifically, it was to reveal reasons why consideration of defense policy in the U.S. House of Representatives (the House) has been long

observed as uniquely capable of transcending partisan vitriol and gridlock, noted in scholarship and elsewhere, in comparison to other policy issues. A such, the underlying research question at hand was: **Is defense policy more collegial than other policy issue areas addressed by Congress? If so, how and why?**

The notion that deliberations on defense policy are unique when compared with other issues has been a consistent theme in the rhetoric of policymakers in Congress over time. For example, at the height of the Korean War in 1951, members of the Senate Foreign Relations and Armed Services Committees concluded in a joint committee report that, “The issues which might divide our people are far transcended by the things which unite them. If threatened danger becomes war, the aggressor would find at one stroke arrayed against him the united energies, the united resources, and the united devotion of all the American people” (Brands 2016, 371). This assertion by policymakers was the thematic underscore of hearings which followed the firing of General Douglas MacArthur by President Truman and indicated that the investigation did not just linger on the politically charged removal of the highly regarded military leader. Rather, their conclusion seemed to be the product of unique deliberation, a unifying dialogue for the sake of national security, a notion that trumped normal political grandstanding (which still, nonetheless, took place). More recently, Senator John McCain, chairman of the Senate Armed Services Committee and former presidential candidate observed, “Defense reform is not a partisan issue, and we will keep it that way. We must seek to build a consensus about how to improve the organization and operation of the Department of Defense in ways that can, and will, be advanced by whomever wins next year’s [2016] elections. That is in keeping with the best traditions of this Committee” (U.S. Senate Armed Services Committee 2015; hereafter SASC). McCain’s observation not only

alluded to the influences of partisanship on defense policy deliberations but also to institutional pressures internal to Congress driving the approach policymakers take in dealing with such issues. Such collegiality is uncommonly rare in Congress these days, especially to the casual observer. Therefore, the institutional pressures, as well as the domestic and international influences, which inspire such rhetoric should pique the interest of social scientists as to why, and whether or not the language is genuine or just mere platitudes (and if so, what their practical ramifications are). Such was the inspiration behind this study.

### **Chapter descriptions & organization**

Chapter 2 explores the literature to discover what we know and do not know about collegiality in such Congressional deliberations. The chapter establishes the practical, empirical, and methodological significance of this study. From a practical standpoint, members of Congress, along with the President, do not live in an ideological vacuum and must find ways to govern effectively or threaten putting the country at risk of dire consequences. In that regard, examining how an outlier like the National Defense Authorization Act (NDAA) has been able to navigate through the congressional committee process and repeatedly pass into law, year after year, provides a practical platform for understanding how defense policy is dealt with in Congress. The NDAA as a platform allots insight to processes, culture, and roots of motivation that feed the politically driven machinations of the institution.

The body of literature addressing whether or not defense policy in Congress is approached differently than other policy areas is relatively limited from an empirical standpoint. It is narrowed even further when the NDAA is referenced as the representative example of defense policy, as in this study. That said, the overall pool of

research on defense policy formulation renders a guide adequate enough to understand where scholars currently fall on the matter, employing a mix of qualitative and quantitative methodologies to reveal political drivers within that environment. Reoccurring themes in the literature used to explain why policymakers might approach defense policy differently are rooted in (1) institutional processes and structures; (2) crises, or especially pressing matters associated with threats to national interests; or (3) through processes swayed by distributive politics.

Above and beyond those themes, there is relative consensus that defense policy is more collegial or inviting to bipartisan collaboration than other policy areas. Such allusions are also prolific in the media and found in other accounts of the legislative process, shaped by domestic, international, and institutional political circumstances. Interestingly, the notion is often just accepted in the literature, or only briefly analyzed, and rarely compared with other policy types, thus spurring the main question addressed in this study. A primary aim of this research was therefore to help determine the validity of the assertion that defense policy is unique in its ability to transcend polarization in Congress.

This study also sought to answer the call in the literature for more comprehensive methodological approaches in the social sciences. More specifically, it was an effort to counterbalance the more contemporarily favored trend of employing relatively narrow-focused quantitatively-based analyses in political science. Instead, it sought a comprehensive, practical explanation of human behavior in the policy formulation environment via a qualitatively-based, contextual approach.

Chapter 3 further explains the methodological approach used in this study, to include how the data was gathered, assessed, and interpreted. It also introduces the

study's primary hypothesis: **The formulation of defense policy in the U.S. House of Representatives is approached with more collegiality than other policy issue areas, mainly due to domestic, institutional, and international political pressures that transcend competing partisan motivations.**

“Collegiality,” the primary dependent variable, is qualitatively defined as *exceptional and consistent cooperative interaction among colleagues over time that rendered legislation which garnered support of at least a bipartisan supermajority (two-thirds) of the House of Representatives upon final passage*. For the purposes of this study, a quantitative representation of collegiality generally equates to legislation garnering at least two-thirds bipartisan support of the final roll call floor vote in its respective chamber (House or Senate). “**Defense policy**” was operationalized by the NDAA and its deliberation in Congress, mainly during three time periods, the details of which are described below. “**Other policy issue areas**” were primarily operationalized by the Farm Bill and the Highway Bill, also deliberated during the three case study periods. The impact of the principal independent (IV) variables, “**domestic, institutional and international, political pressures,**” on collegiality were assessed primarily from historical accounting of the legislative process. And, given the organic nature of the institution of Congress—subject to the dynamics of human behavior—both qualitative and quantitative methods were employed. Finally, several secondary hypotheses are introduced in Chapter 3, focused on institutional, international, and domestic political pressures that affect policy formulation in Congress.

The NDAA's propensity for long-term bipartisan support (it has passed for over fifty years straight and vetoed only a handful of times) provides an opportune basis for comparison with the “Farm Bill,” as considered by the House Agriculture Committee,

and the “Highway Bill,” as considered by the Committee on Transportation and Infrastructure. Additionally, the House, as opposed to the Senate, is debatably the more polarized body of the two when it comes to policy formulation. Instances of bipartisan cooperation are arguably more difficult to come by in the House and therefore easier to identify when they do occur. As a result, the House was determined a more appropriate primary subject for this study as explained further in Chapter 3.

The NDAA is an exhaustively comprehensive bill that provides annual defense budget authorizations and policy guidance for the Department of Defense (DOD). As the largest department in the U.S. government, DOD commands the lion’s share of federal discretionary spending and operates as the nation’s largest employer (CBO 2016). As such, the annual NDAA is viewed as “must pass” legislation for fear of otherwise putting the nation’s security and economy in peril by impeding the military’s ability to organize, train, equip, and operate. Accordingly, consideration of the NDAA has steep political consequences for the president and Congress to contemplate, both domestically and abroad. It also helps explain the NDAA’s continued passage with bipartisan support since its inception as an amendment to the FY1960 defense appropriations bill (Ahmadi 2013,70).

Much like the NDAA, even in times of great political divide the “Farm Bill” has passed with relative certainty about every five years by Congress since the 1930s (Johnson and Monke 2017, 1). It is an “omnibus, multi-year law that governs an array of agricultural and food programs,” characterized as being able to “create broad coalitions of support among sometimes conflicting interests for policies that individually might not survive the legislative process” (Johnson and Monke 2017, 1). Because of that broad appeal and support, Johnson and Monke’s description could arguably be transferred to

the NDAA with relative ease. While there are certainly discernible differences in how (and what) policy issues are addressed in the two bills, there are equally, if not more, underlying similarities in how they are approached politically by policymakers and in how their respective committees of jurisdiction deal with them.

Since the nation's birth, agriculture has been an important part of American culture, history, and economics. As a result, agriculture policy is ingrained in the American political environment. Much like the NDAA, the Farm Bill, a direct manifestation of that history, has enjoyed steady bipartisan support over time, evident by its consistent passage under the leadership of both Democratic and Republican Congresses and White Houses controlled by both parties. The House Agriculture (Ag) Committee, which oversees the Farm Bill, is a larger committee within the House of Representatives, much like the House Armed Services Committee (HASC) which has jurisdiction over the NDAA. Additionally, similar to the HASC, the Ag Committee usually includes members from all over the country representing a diverse array of political and policy interests and constituencies whose interests converges in the bill's substance. The array of similarities between the two provides a meaningful platform for comparison, one that can also be logically extended to the Highway Bill and the House Transportation and Infrastructure Committee.

Virtually everyone in the United States benefits from the nation's vast roadway and transportation infrastructure in some manner. It is the crucial backbone of the American economy, enabling interstate commerce and provides a vital connection to the rest of the world. America's reliance on roads, the ability to move freely from one place to another across the entire continent, from the most rural towns to the busiest cities, is therefore of universal interest to policymakers at all levels of government, regardless of

ideology or party affiliation.

Enhancing that interest is the notion that American culture identifies closely with the freedom of the open roads and anything that impedes or enhances that freedom (from a pothole to a new highway offramp) is liable to gain the public's attention. Automobiles have long played (and will for the foreseeable future, continue to play) a prominent role in the life of most Americans. Constituents therefore expect their representatives in government be attentive to related policy issues and helps explain the reason why members of Congress have debated the role of the federal government with regard to the nation's road system since its earliest days. It is an endeavor that has progressed from bequeathing federal land grants to states to build roads in the 1800s, to the over \$43 billion in direct federal spending provided for roads in FY 2016, much of which overseen by the House Transportation and Infrastructure Committee (Dilger 2015, 1-4).

Much like the Ag Committee and the HASC, the House Committee on Transportation and Infrastructure is quite large by institutional standards. Its membership is also diverse yet nonetheless unified by the common interest to preserve a modern, well-kept roadway system to benefit the nation. Accordingly, transportation policy, specifically legislation that authorizes federal roadway funding as found in the Highway Bill, is arguably on par with agriculture and defense policy in its ability to garner consistent bipartisan support throughout the nation's history.

Ultimately, the Farm Bill and the Highway Bill share many characteristics with the NDAA. They are similar in how they are considered by their respective committees and by virtue of the nature and makeup of those committees as compared with the HASC in addition to the relatively apolitical nature of the policy substance the bills historically contemplate. As a result, their comparison provided a substantive platform from which



to analyze whether or not defense policy is truly different in its political nature than other policy types.

The overall aim of the following five chapters (Chapters 4 through 8) was to provide a cumulative exploration of the NDAA process and the institutional, domestic, and international political factors influencing it to establish a foundation from which to assess why defense policy formulation in Congress is perceived as uniquely collegial.

Chapter 4 examines institutional influences on collegiality within and proximal to legislative branch machinations—namely from its *people* and *processes*. The approach was built on three primary assumptions: First, the development and consideration of the NDAA is unique compared to other major authorizing bills routinely deliberated in Congress; Second, the constitutional mandate to raise, regulate, and oversee the military services is viewed as an obligation by members of Congress that often outweighs partisan loyalties, especially those who serve on the HASC; Third, the leaders, organization, management, and staff, of the defense committees in Congress lend to a more collegial atmosphere between minority and majority members and staff unique among authorizing committees. Along those lines, while other committee staffs shared some of the cultural attributes evident with the HASC, they did not seem to be collectively present, nor as consistent. Summarily, in testing those assumptions, this chapter sought to illuminate how the collective institutional influences from *people* and *processes* involved with House NDAA deliberations might induce a more collegial environment than in other policy areas.

Chapter 5 and 6 explore how certain domestic political factors have historically weighed on defense policy formulation in the House and thereby shaped its perceived political character. The NDAA process in the House was compared with similar

processes within the House Ag Committee and Transportation and Infrastructure Committee using a series of case studies examining deliberations over the Farm Bill, the Highway Bill, and NDAA from 1961 to 1966, 1993 to 1998, and 2007 to 2012. The aim of the case studies was to identify “**certain domestic political pressures**” that distinguished NDAA deliberations and therefore may plausibly indicate causes of collegiality uniquely attributed to defense policy formulation in Congress.

Chapter 7 and 8 are focused on identifying how elements of the international political environment weigh on the collegiality of defense policy formulation in Congress. First, interviews with members of the policy community were leveraged to identify elements from the international political realm most likely to trigger policymakers in Congress to collaborate on defense, agriculture, and transportation policy. Second, three historical case studies are presented using the elements identified in the first section to illustrate why interviewees might have come to their conclusions regarding reasons for collegial discourse on defense policy as a product of international political pressures.

Chapter 9, the concluding chapter, provides an overall assessment of the hypotheses, discusses divergent findings, and gives possible explanations for those findings. It also highlights shortfalls in the study’s methodologies that became evident along the way and attempts to reconcile expected empirical, practical, and theoretical implications of the study with the actual findings. Finally, it suggests opportunities for future research and provides final, overall conclusions.

## Chapter 2 – Background & Literature Review

Is defense policy more collegial than other policy issue areas addressed by Congress? If so, how and why? The purpose of this chapter is to provide clarity regarding what that research question means, to explain why answering it is important, and to explore research important to answering the question. The chapter is organized into three main sections. The first section discusses the state of affairs that led to the research question being posed. It recounts the resolute character of defense policy formulation process in Congress—namely the annual deliberation and passage of the National Defense Authorization Act (NDAA)—and how it has been facilitated over time with unique political unity despite a variety of obstacles along the way. The second section examines explanations provided in existing scholarship for why defense policy formulation in Congress has been so stable and viewed as politically collegial over time. That is, it traces reasons why scholars think the NDAA has avoided derailment despite its immersion in some of the most difficult political environments over the last half-century. The third section explores what we still need to know—what past research has not revealed—and why it is important. What has yet to be explained by scholars? Why is it important to understand why policymakers seem to get along better on formulating defense policy? What is the value of that knowledge and how can it be applied? Summarily, this chapter aims to (1) highlight the unusual political unity and stability historically associated with the NDAA process, (2) explore reasons previously provided for why it is that way and (3) highlight gaps in that reasoning, and to explain why it matters.

### **The resolute nature of the NDAA process**

The NDAA came about as an amendment introduced by Senator Richard Russell to the fiscal year (FY) 1960 Military Construction Authorization Act which pressed for more diligent congressional oversight of the defense budget (and accompanied policies) which was rapidly growing amidst a Cold War backdrop (Shogan 2011). Russell's amendment essentially required defense appropriations, normally handled by the respective appropriations subcommittees in the House and Senate, to be reviewed and authorized by the defense policy committees of both chambers before being passed into law (Shogan 2011). The result was the NDAA, what eventually became an exhaustively comprehensive bill that provides annual defense budget authorizations and policy guidance for the largest department in government, one that also commands the largest share of federal discretionary spending to operate as the nation's largest employer (CBO 2016).

Since its inception, the NDAA has transformed into "must pass" legislation and its enormity and political momentum is virtually without peer. Fear of placing national security in peril by impeding the military's ability to organize, train, equip, and operate is a significant political contemplation which helps explain the NDAA's routine passage, but does not provide the whole picture regarding its success no matter who holds the White House or Congress or the combination thereof (Ahmadi 2013,70). Accordingly, Williams and Heitshusen (2016b) noted the NDAA's "enactment has come to be expected and the bill is seen by many as a reliable legislative vehicle for a range of policy matters," not just those relegated to the Department of Defense (DOD). The pair also submitted, "This regular enactment of complex legislation for over five decades illustrates, engenders, and is dependent on close adherence to process and consistency in

procedures, schedules, and protocols,” as another partial explanation for the bill’s persistent success (Williams and Heitshusen 2016a). As such, there are a variety of factors influencing how annual deliberations over the NDAA are shaped—of institutional, domestic, and international origin. Nonetheless, those deliberations have historically provided a consistent, predictable venue wherein policymakers collaborate and make substantive progress on policy despite other partisan detractors, severe as they may have been.

The contemporary partisan divide among Americans is at a high (Doherty 2017). The divide is reflected in the individuals the citizenry sends to serve in Congress and in the White House and further complicated by ideologically-motivated subgroups on the fringes of both major political parties. Despite wielding a majority in the House, Republicans have had difficulty passing or even negotiating on legislation due to the power of the ultra-conservative Freedom Caucus and Democrats have not fared much better with the majority in recent years either. Political gain is valued over substantive policy progress, with gridlock the norm even in the most routine of governing processes. As one senior policy staffer, the legislative director for a Republican chairman of a major House committee, put it, “Politics and policy is one in the same” (Interview, May 1, 2018). He continued by explaining the “entire system,” meaning the legislative process, “is built on trust,” however, “deception is prevalent” and has deteriorated the trust necessary to keep things moving in a productive manner (Interview, May 1, 2018).

The partisan gridlock is not a new matter: “In the four decades since the current system for budgeting and spending tax dollars has been in effect, Congress has managed to pass all its required appropriations measures on time only four times” (Desilver 2018). Yet, the NDAA has soldiered on with support from both parties in some fashion each

year since its inception. The NDAA has enjoyed legislative success virtually without match and weathered some of the most tumultuous political climates of the nation's last fifty-plus years. Even amidst the most historically prevalent defense policy debates over the past half century, like those surrounding the war in Vietnam, the reform of a "hollow force" into an all-volunteer force in years following, the Reagan-era defense build-up and the Clinton-era draw down, rendition flights and detainees at Guantanamo Bay, the repeal of "Don't Ask, Don't Tell," and the funding of the 2007 Iraq surge, among other notable examples, the NDAA's passage into law was not derailed.

Political unity supporting the NDAA over time has also demonstrated unique strength when faced with what is among the most definitive threats to a bill in the legislative process—a presidential veto. As of this writing, the NDAA has been vetoed only five times since 1961, yet still found its way into the law books each time no matter which political party controlled the Congress or the White House (Towell 2015). Democrats led in both chambers of Congress when President Jimmy Carter, also a Democrat, first vetoed the bill in 1978; an objection to its authorization of a nuclear-powered, versus conventionally-powered, aircraft carrier (Towell 2015). In 1988, a Republican president, Ronald Reagan, vetoed the NDAA passed by a Democratically-controlled Congress, claiming the legislation undermined U.S. leverage in arms reductions negotiations with the Soviet Union (Towell 2015). Another Democrat, President Bill Clinton, vetoed the bill in December 1995, his veto sustained by the GOP-controlled House (Towell 2015). A new bill, with essentially the same language minus the offending provision argued as "inconsistent with the 1972 U.S.-Soviet Anti-Ballistic Missile Treaty," was subsequently passed by Republican majorities in both chambers before Clinton signed it into law in February of 1996 (Towell 2015). On December 28,

2007, George W. Bush vetoed the NDAA sent to him by a split Congress, (Democrats controlled the House and Republicans, the Senate) yet the bill was reconciled and passed into law one month later; a case over funding for the war in Iraq explored in further detail in Chapter 8 (Towell 2015). Most recently, President Barack Obama vetoed the FY 2016 NDAA, sent to him by a Republican-controlled Congress, yet once again the bill was eventually signed into law by the president. In each instance, a version of the NDAA was reconciled and passed with support of policymakers of varied political stripe, prioritized over other political challenges of the time—in times of relative peace (post-Cold War) and in war (Vietnam, Iraq, Afghanistan), in times of economic boom (1990s) and severe financial downturn (amidst the “Great Recession”).

Given its resolute nature, the NDAA arguably represents the last bastion of “regular order” and bipartisan cooperation in the legislative process, one virtually unmatched by other major legislation regularly passed. Not even the relatively routine passage of the historically bipartisan Farm Bill (which has a much longer history than the NDAA), nor the relatively bipartisan Highway Bill, have enjoyed support equal to the NDAA’s over the years. Yet, scholars have not solidly placed a finger on why. Answers are somewhat disparate and focused elsewhere, essentially leaving a disconnected collection of anecdotes and studies to lean on for explanation as to why defense policy, namely the NDAA, is approached with exceptional collegiality in Congress.

### **Scholarly explanations for the NDAA’s success**

With exception, much of the research that explores the political nature of defense policy formulation in Congress is too tightly focused to answer the research question at hand in this study. The available scholarship is thinner yet in instances where the NDAA process is specifically employed as a primary study vehicle representing defense policy

formulation in Congress. Furthermore, current research tends to only employ a narrow approach to how a singular (or just a few factors) might influence behavior toward a defense policy decision. This is quite amazing considering the dynamically fluid nature of the institution, comprised of 535 human beings each with unique backgrounds, motivations, and agendas. Along those lines, existing studies favor either qualitative or quantitative methodologies for analysis, often with minimal regard for context of the broader political environment—an approach that borders on irresponsible given the heavy human element involved. To be fair, there are instances where all three areas (qualitative, quantitative, and contextual political circumstances), or at least two of the three, are leveraged to provide a more comprehensive assessment. However, there is room for further research, as the current body of scholarship regarding the political nature of defense policy formulation in Congress is hardly exhaustive.

There are reoccurring themes underlying current scholarly explanations as to why policymakers might approach defense policy differently, which include: (1) institutional processes and structures; (2) crisis or matters that demand immediate attention by policymakers (usually correlated with international pressures due to a threat to national interests); and (3) distributive processes and related politics (often associated closely with domestic political influences). Yet, in the many studies deriving those themes, the congenial character of defense policy formulation is still usually just accepted, inferred, or only briefly analyzed. Ripley and Lindsay (1993, 223) for example, concluded former Speaker Tom Foley was “clearly correct” in his contention that bipartisan agreement in defense policy is more present than not...and left it at that. Rarely have researchers taken one step further to seek differences in the formative process of defense policy compared with that of other policy types. That is, researchers have acknowledged and explored



why policymakers get along when it comes to making defense policy but usually do not ask whether or not that process is comparatively unique, specifically with regard to its ability to transcend partisanship. That circumstance was inspiration for the underlying research question of this study.

### **Institutional processes & structure**

Research by Colleen Shogan (2011) provided somewhat of an exception to the norm by way of her examination of the NDAA process in the United States Senate. Shogan (2011, 2) referred to national defense as “surely a bipartisan, perhaps even nonpartisan, issue,” and translated that observation into a reason why the NDAA was passed by the Senate so many years in a row (49 straight years at the time of the study). In doing so, she placed particular emphasis on the fact the NDAA was able to succeed with bipartisan support despite controversial provisions which threatened to derail it, such as the repeal of the Don’t Ask, Don’t Tell policy (Shogan 2011, 1). Weighing heavily on institutional processes to make her case, Shogan concluded the “building block” method of constructing the NDAA each year complemented a “complex mixture” of trusted relationships, leadership, bipartisanship, and “widely shared belief in the overall mission,” all of which contributed to the bill’s historically consistent success (Shogan 2011, 2). The predictability and reliability of that “building block” approach was especially credited for inducing collegiality in the process, examined deeper in Chapter 4. The method starts with a base bill built only from provisions known to have bipartisan consensus, then moves to negotiated additions, and finally to amendments that required roll call votes (Shogan 2011). Unique among the literature, Shogan’s piece provides valuable elucidation regarding the institutional influences on defense policy formulation in Congress, and specifically those surrounding the Senate’s annual consideration of the

NDAA. However, its brevity and relatively narrow focus provide opportunity for deeper examination of the issue, especially with regard to the comparative political nature of defense policy formulation.

Other works delve into the political nature of defense policy formulation from a broader or different institutional stance, often emanating from the character of the defense committees in Congress. Sapolsky, Talmadge, and Gholz (2013, 148), noted “sessions [of defense committees] are more bipartisan than not,” and referred to their deliberations as a “friendly process,” yet failed to expand why such was the case, aside from members perhaps merely expressing platitudes. Richard Fenno’s (1973) landmark study, *Congressmen in Committees*, provides a contextual basis and theoretical framework (examined further in Chapter 4) to answer the question at hand, but stops short of providing a specific comparative analysis of the politics of defense policy formulation. Campbell and Auerswald (2012, 10) observed, “Congress and other elected officials are apt to set aside their partisan differences in the interest of common defense,” then focused on the growing negative impact of partisanship on national security instead of digging into definitive reasons why policymakers actually come together on defense issues. Christopher Deering observed, “internal [defense] committee operations have long been regarded as consensual” (Ripley and Lindsay 1993, 160) and conjectured that political environments within the various defense committees tend to be comparatively neutral due to the apolitical nature of the institution of the military (also a common deduction). Yet, as with much of the literature focused on defense policy formulation, his initial supposition was not conclusively supported, nor rigorously pursued. Deering’s is a representative case of bipartisan cooperation on the defense committees being routinely acknowledged by scholars, yet minimally pondered, if at all. Ultimately, the

collegial nature of defense policy is rarely compared with deliberations on other policy types and how partisan influences may or may not override the path of one process versus another from an institutional sense, thereby leaving room for pursuit of more questioning and understanding.

### **Crises or threat as explanation for collegiality**

Many researchers looked to crises, circumstances wherein existential stakes are involved or immediate policy attention is demanded to deal with a threat to national interests (often stemming from international pressures or domestic issues with global implications), to explain political unity on defense policy. Much attention along those lines is rooted in the long-accepted (though challenged in more contemporary works) premise that domestic politics are abandoned once a policy debate heads offshore.

Aaron Wildavsky (1966, 23), argued there is one president and two presidencies—one focused on domestic policy, the other on matters of foreign and defense policy. He characterized the latter as different because the consequences of the decisions of the presidency focused abroad are, “potentially more grave [sic], faster to manifest themselves and less easily reversible than in domestic affairs” (Wildavsky 1966, 25). Though, the president is never really alone in such matters, which explains why political and substantive discourse between the White House and Congress is a staple of foreign and defense policy studies. As such, Peter Gourevitch (Katznelson and Shefter 2002) observed the relationship between domestic politics and foreign policy as always intermeshed, while Trubowitz (2011) emphasized that national leaders have masters to answer to in both realms and therefore must together reconcile “conflicting institutional incentives” between the dynamics of “realpolitik,” abroad and “innenpolitik” at home. The need to manage and balance political pressures from both realms is an experience

shared by policymakers in Congress and the White House and therefore conceivably a basis to help explain common ground found in the defense policy formulation process. Accordingly, it is also understandable how Nelson (2013), Ripley and Lindsay (1993, 238) and Wildavsky (1966, 27), among others, came to conclude that members of Congress usually prefer to unify behind the president on security matters, especially when the use or threat of force is involved.

From another angle, James M. Lindsay (1994, 91), was not alone in attributing congressional decision deferrals to the president on security matters as a means to avoid individual and party punishment at the polls. As such, Americans in general, regardless of party, also usually look to the commander-in-chief as the inherent leader on defense related issues. Accordingly, members of Congress rarely benefit from falling on the wrong side of that popular consensus. Nelson (2013) made an exemplary point in that regard when he noted, “Historically, Congress has been assertive only on the foreign policy issues that concern voters the most: unpopular wars and policies that have a clear domestic politics coloration.” Conversely, Graham Allison and Philip Zelikow (1999, 288) were not alone in their observation that “Congress has become a more active participant in foreign policy-making,” but also pointed out that, “trust and comity have been more exception than rule,” even when different political parties control the executive and the legislature. Along those lines, Lindsay (1994, 70) alluded to the “golden era of bipartisanship,” in the twenty-five years following World War II, during which Democrats often maneuvered procedurally to ensure amendments would not undo foreign policy decisions of Republican presidents working to counter Cold War threats. H.R. McMaster (1997) and Ripley and Franklin (1987, 194), among others, took a similar but slightly different stance, offering that collective fear of destabilizing the strategic U.S.

position abroad (usually already established by the president) was enough to drive unity in Congress, especially pertinent to a dynamic crisis scenario and, at times, resulted in supportive legislation.

Another often-referenced means for explaining unity among congressional policymakers, especially in crisis-type environments, is the process of dealing with associated legislation that may render politically satisfying responses for both sides of the aisle. The policy responses to the attacks of September 11, 2001, are frequently referred to as a prime example along those lines (Lott and Daschle 2016, 167). The attacks triggered wide support for the PATRIOT Act and authorization to create the Department of Homeland Security, in short order. Virtually all other items on the policy agenda at the time were bypassed with relative cooperation across the ideological spectrum: “Congress responded on both sides of the aisles with unanimous support for further increases in defense spending to counter the terrorist threat” (Jones, DeVore and Candreva, 2012, 172). Comparatively, on the domestic policy front, the 2007-2008 financial meltdown which led to the “Great Recession,” moved Congress to act with immediacy to put policy remedies in place, based (arguably) on feelings the crisis was an existential threat to the domestic and global economy. As noted by Blinder and Zandi (2010, 1), the crisis was met with bipartisan support in the form of legislation that included the Economic Stimulus Act of 2008 (P.L. 110-185), which passed the House 380 – 34, and the Senate 81 – 16.<sup>1</sup> Ultimately, in the immediate response to both crises, one economic, the other a matter of national security (both largely perceived as

---

<sup>1</sup> The American Recovery and Reinvestment Act passed later on party lines, partially attributable to feelings the immediate dangers of the crisis had passed and the legislation was therefore not as crucial to recovery. It also marked a politically charged presidential transition from the George H.W. Bush to Barack Obama.

existential), scholars observed the immediate gravity of the respective situations as helping outweigh partisan calculus in realizing a sincere policy response, a situation not otherwise likely.

Aside the categorical “crisis” explanation for bringing policymakers together, Lindsay and Ripley (1993, 19) further delineated foreign and defense policy into matters of “strategic” and “structural” concern, a notion also echoed by Huntington (1961, 3-6) and Lowi (1967, 324-250)—instructive frameworks for understanding the nature of such policy formulation in the House. In that vein, Ripley and Franklin (1987, 27) concluded that consultation over structural policy matters (procurement, deployment, and organization of military personnel and material) are essentially treated like domestic policy, to include elements of agriculture and transportation policy. Allison and Zelikow (1999, 289) echoed the comparison, in that those policy areas tend to garner collective support by virtue of their base character in delving out resources—a characteristic also reflective of the substance and nature of the NDAA process in Congress.

### **Distributive politics & processes**

As with Ripley and Franklin (1987), politically unifying discourse on legislation of such character in Congress is often more broadly categorized and explained in terms of distributive political theory—who gets what and reaps political capital from steering government resources. Shogan (2011, 6) noted the study of distributive politics as one of the only areas in which there is “an exhaustive literature examining how Congress produces defense policy.” Rundquist and Carsey (2002, 37-38) theorized that a combination of committee, party, and ideological based “distributive processes” interact to influence defense policy. Craig and Logevall (2009), took a starker (though relatively common) view of the employment of the principles of distributive politics to help explain

motivations for unity among a state's congressional delegation:

Its tentacles reached into almost every congressional district in the country and distorted electoral politics to a tremendous degree. The preservation of the military-industrial establishment became a kind of national addiction, from which American society could recover only after going through the most severe withdrawal. No one—least of all the powerful committee chairmen whose home districts received hefty defense contracts, and the labor unions and communities who also benefited—was willing to endure such pain.

In context, “logrolling” is also widely referred to by scholars as a symptom of distributive politics, a plausible reason for cooperation on defense authorizations and beyond since all conceivably stand to gain (Ripley and Franklin 1987, 21; Rundquist and Carsey 2002; Weingast 1979; Marshall and Weingast 1988). “Universalism,” as described by Mayhew (1974, 88), scenarios wherein all congressional members get a piece of the pie, regardless of rank or party, is a more nuanced version of distributive politics leveraged in the literature to help explain collective action on defense policy. According to Rundquist and Carsey (2002, 39), universalism empirically “predicts two different but theoretically linked phenomena:” allocation of distributive benefits to virtually every congressional district via an omnibus bill (like the NDAA), and that such bills will pass by lopsided majorities out of committee and on the floor (much like the NDAA often does). Rundquist and Carsey (2002, 40) furthered the concept in relation to defense procurement as “interpolicy universalism,” a “grand multipolicy logroll” that transcended policy issue areas and committees. While universalism was originally developed for study of committee dynamics (as in the HASC) the theoretical concept has been transferred to study cooperation on issues in entire legislatures (Fiorina 1981, 198; Weingast and Marshall 1988).

A more application-focused approach to explaining cooperation transcendent of party loyalties, Wildvasky (1966, 26) argued the only time Congress really dictates on

defense issues (aside from intervention in parochial spats between the armed services) is when it comes to “some sort of real estate...dealing with the regional economic consequences of the location [and status] of military facilities.” Such is theoretical basis for geographically linked congressional delegations to cooperate, regardless of party. In that vein, and to build on Craig and Logevall’s (2009) point above, Shogan (2011, 15) observed motives for cooperation across party lines on Senate NDAA provisions included “continued production of a weapons system or the closing of a military base.” She concluded that coalitions advocating for such issues, especially those which “converge geographically or along shared industries,” are rarely partisan (Shogan 2011, 15). Rather, the issues tend to be parochial, and the majority party therefore historically takes care (in the case of the NDAA) to address such issues with more inclusiveness and comity (Shogan 2011, 15). BRAC, the Base Realignment and Closure process, is a quintessential example in that regard, foundational to political cooperation in defense policy circles.

In the BRAC process, the oversight responsibility of Congress to assess and make recommendations regarding the efficiency of the defense infrastructure is largely abdicated to an independent commission. However, as Andrew Glassberg (1995, 97) observed, policymakers retained political clout nonetheless, noting it “does not deter communities from believing that their congressional member might still be able to protect them, nor has it deterred members from continuing to reinforce such attitudes.” Periods leading up to, during, and after a round of BRAC thereby provide politicians at all levels of government, regardless of party, a means to pursue common benefit together in sidestepping closures or capitalizing on opportunities that come from communities reclaiming lands from the military. Along those lines, Glassberg (1995, 97) also noted



the general “favorable publicity” of the BRAC process, politics aside. Interestingly, in that light, Congress has rejected requests by the administration to initiate another BRAC round every year from 2012 to the present (Else 2016, 4). Such a trend leads to empirical questions as to the changing nature of domestic political pressures on defense policy (“structural” policy, in particular). This is especially the case in light of the current partisan environment, not only with regard to BRAC, but also to the defense industrial base—another prime example of defense policy’s subjugation to distributive politics.

### **Other explanations**

There is a variety of other explanations throughout the literature as to why defense policy formulation seems to enjoy more collegial support than other policy areas. However, much of it is disjointed or focused on answering other questions rather than whether or not defense policy formulations is really more collegial than other policy areas and working to reveal the reasons why. Those other explanations are rooted in: the decision making of committee and staff leadership in how institutional processes are approached and conducted; a sense among policymakers that they are working toward a “higher mission” when focused on defense policy; the loyalty of members to policies and legislation by virtue of their committee assignments; and, dedication to a sense of duty that producing the best possible policy for the nation’s defense was an imperative.

Expanding on the role of leadership, Shogan (2011) noted an insistence by defense committee leadership over time to stick with a predictable and methodical legislative routine, much as the NDAA enjoys, and one which encourages input from minority party members, helps to solidify the bill’s overall support from both sides of the aisle. Christopher Deering (Ripley and Lindsay 1993, 165) in his study of the Armed Services Committee, also emphasized the importance of continuous and consistently

strong committee leadership (staff and members) and their commitment to maintaining a bipartisan tenor as vital to the NDAA's success and the collegial nature of its deliberations.

Reminiscent of the political demeanor of the defense committees, Lindsay (1994, 65) noted the intelligence committee's traditional designation of the ranking minority member as the committee's vice-chairman, a message of unity from leadership regarding the importance of the nation's security issue above party loyalties. In comparing defense policy with education, transportation, and aviation policy, Shogan (2011, 14) emphasized its distinctiveness due to a sense of "shared mission" felt among policymakers in supporting the military. James Lindsay (1994, 43) echoed a similar sentiment among policymakers working on foreign policy, as did Pat Towell: "In the middle of a war, the two [defense] committees, led by the president's own party, initiated – over the strong objections of a particularly sharp-elbowed secretary of defense – a significant policy change that had no tangible electoral payoff" (Campbell and Auerswald, 2012, 73). In that vein, regarding loyalty to policy, Maltzman (1998, 158) as well as Poole and Rosenthal (2007, 266), among others, concluded members of Congress generally foster a proclivity to cross the aisle to support legislation from the committees upon which they sit (with some exception). Such gives rise to the question of committee makeup (with regard to ideology in particular) and its influence on collegiality.

Rundquist and Carsey (2002) noted, "several scholars have argued that ideology is significant for explaining legislative behavior regarding defense policy (e.g. Moyer 1973; Lindsay 1991)." Such conclusions are largely drawn from what started in the 1930's as cooperation between the Republican Conservative Coalition and Southern Democrats, who banded together as "hawks" to support and sustain foreign and defense

policy that benefitted the entire group and their constituencies (Rundquist and Carsey 2002, 16). The coalition provided an enduring, stable and predictable means (Arrow 1951; Black 1958) for members of Congress to pursue policy goals regardless of benefit to their constituencies, an example reminiscent of distributive politics (Rundquist and Carsey 2002, 35). Ripley and Lindsay (1993 243, 251) found much of the same—that foreign and defense policy is somewhat irrelevant to the concerns of the electorate and therefore ideological universalism takes over to a degree. Thus, with the assumption few constituent interests are at stake, reelection calculations become somewhat irrelevant in defense policy decision making, thereby opening logrolling and ideology to guide choices, transcendent of party loyalties (Ripley and Lindsay 1993, 243, 251). Of equal import, (Rundquist and Carsey 2002, 53, 59) found when it comes to defense policy, policymakers tend to vote according to their own ideological beliefs and are less concerned with those of their constituents, and that the HASC is an “ideological outlier” in that regard, attracting more hawkish members, regardless of party. Considering such findings, the ideological makeup of defense committees should clearly be weighed in deriving explanations as to why policymakers cooperate more on defense policy than on other issues.

Ultimately, current research explaining the relative consensus of why policymakers tend to approach defense policy formulation with more collegiality than other issue areas can be roughly split into three categories. The first looks to institutional processes and structures and leans on the ideological makeup of the defense committees, the collective feelings that the committee’s work is driven by a “higher mission,” and the structure and nature of the NDAA legislation and the associated deliberative process, to help explain cooperation. The second category is seeded in matters of crisis or pressing

issues that demand immediate policy action due to a threat to national interests. Such crises or threats are usually correlated with international pressures, their remedies reason for bipartisan cooperation not just within Congress, but also between Congress and the White House. In those cases, the president tends to lead and unify, usually garnering support from the Congress and the public, often without regard for partisan loyalty. Third—theories of distributive process and politics (which often parallel domestic policy deliberations)—are widely offered to explain collective action and cooperation among policymakers on defense matters.

The three categorical themes are the result of an attempt to delineate the political nature of defense policy formulation from the existing body of literature focused on the defense policy process. Evidence was pieced together and interpreted to derive conclusions from existing works because researchers have yet to really set out and systemically explore whether or not defense policy formulation is more collegial than other policy areas, thereby leaving only inferences to be made from existing scholarship. Aside from Shogan's (2011) research and the disparate collection of uninvestigated conjecture found in literature over time (attempted to be organized in preceding paragraphs), a methodical examination of why defense policy is so often construed (and demonstrated in the NDAA process) to be more politically collegial has yet to be undertaken. The purpose of this study is to help rectify that shortfall, to specifically examine whether or not defense policy is more collegial than other policy issue areas addressed by Congress. And, if so, how and why. But first, it is important to understand why answering that question is important.

## **Why it is important**

Why does the substance of this study matter? As mentioned earlier, it is generally accepted by political scientists that the United States is more politically divided than it ever has been in recent history. Though, some argue it is only the exceptionally vocal, active fringes of the political spectrum that drive those conclusions and are therefore not truly reflective of the sentiments of most Americans (Stern 2017). No matter the case, the government still must function practically to provide society with security and stability and to carry out inherently governmental functions (like defense) with expected effect. While some would say the federal government's current ability to execute that charge is debatable due to the toxicity of the contemporary political environment, there are plenty examples of government still working well. And, in some cases, working extraordinarily well (consistently, over time, for that matter). The NDAA process is one of those cases. And therefore, research revealing why and how it has worked so well over the years in varying political environments has practical and academic value.

Furthermore, members of the policy community, those who run the government and in particular those who provide for the common defense, do not operate in an ideological vacuum. As such, they must find practical ways to govern effectively despite the political environment or threaten putting the country at risk of dire consequences—especially the case with defense policy. Insight into what motivates policymakers to look beyond politics or pushes them to compromise on complex legislation is especially valuable in the development of effective strategies to realize policy goals, especially when petitioning a Congress embroiled in a temperamental political environment. Methods of this study aimed to provide that insight, lending to its practical value and importance.

Perhaps most important from a practical sense, understanding why the NDAA process has been so successful in transcending partisanship in even the toughest of political environments over time, is essential to U.S. national security interests. Along those lines, the effective preservation of national security has been adversely impacted by the growing influence of partisanship in recent years. Specifically, the budget process in Congress has been plagued by political gridlock resulting in government shutdowns, a long string continuing resolutions (CR), and stifling provisions of the Budget Control Act (BCA)—all culminating in the corrosion of U.S. military capabilities and readiness to the point it must be addressed as a serious strategic challenge for the nation.

A growing chorus has warned of deteriorating military readiness and its risks due to the partisanship in Congress. Upon the passage of a CR in late December, 2017, Senator John McCain (R-AZ) (2017) warned:

Readiness will continue to decline. Service members will not receive scheduled training. Ship maintenance backlogs will grow. All of this in the face of a world that only gets more dangerous and where threats continue to rise. As competitors like China, Russia, and North Korea continue to rapidly advance their military and modernize their weapons, the U.S. military will wait.

McCain's warning manifested itself in a rash of serious military aviation incidents coupled with multiple deadly U.S. Navy ship accidents in following months.

Investigation into the latter incited blame on cuts to training budgets and protocols (both of which fall under the auspices of the NDAA) while the former spurred an investigation by House Armed Services Committee Ranking Member, Adam Smith (D-WA) (Kheel 2018). Senior military officials from all the services and the combatant commands repeatedly testified before Congress in recent years regarding their concerns for risks stemming from readiness shortfalls, especially as the U.S. faces threats from abroad that are growing in complexity and number (Wenstrup 2017). Others in the policy

community, outside of Congress and the administration, echoed their concerns, calling for policymakers to transcend partisan bickering and act to reverse the state of reduced military readiness (Adams 2018). With that in mind, garnering a practical understanding for what has made the NDAA process successful, what makes defense policy formulation “easier” for policymakers to reach across the aisle and collaborate on, is useful to preserving the veracity of that process and therefore to preserving U.S. national security interests.

Finally, from a practical standpoint, understanding what motivates collegial political behavior among policymakers in Congress—as in the NDAA process—makes for lessons presumably transferable to other policy areas. Such knowledge has practical utility in shaping the legislative process itself, or in choosing a nuanced approach or specific political mechanism to facilitate the enactment of a certain policy. As such, lessons from studies like this one are practically important in helping leaders better prioritize precious time and resources toward institutional processes and policies that have demonstrated success. In other words, lessons from understanding why the NDAA process has worked so well over time can potentially be applied elsewhere to overcome partisanship and thereby lend to consistently realized policy success in those other areas.

From an academic perspective, knowledge gained from researching why defense policy is different than other policy areas, particularly with regard to the NDAA, is important to progressing the practice and study of public policy and politics. In particular, studying how a bill with a history like the NDAA is able to forage through the committee process and repeatedly pass into law, year after year, provides invaluable insight about the institution of Congress, its processes, culture, and the roots of the motivations that feed its machinations. Learning what drives otherwise disparate groups

to coalesce on policy also has tremendous empirical value to understanding the political environment. Are motives for collaboration in the face of extraordinarily partisan circumstances rooted in deeply held values, in preserving vital national interests, in the product of a Constitutional mandate, or in institutional process or culture? Those questions, among others, are explored in ensuing chapters.

The NDAA process is also compared with the processes other similarly reoccurring comprehensive authorizing legislation, like the Farm Bill and Highway Bill, have traversed over time. The case studies used in those comparisons are important to broadening the somewhat sparse scholarship on defense policymaking in Congress, as is the complementary evidence gathered from interviews with those from the policy community who have decades of firsthand knowledge and experience with those processes. Both the cases and interviews are also important to providing a widened understanding as to the influences of and interaction between domestic and international political pressures on defense policy formulation, not to mention the institutional pressures within Congress that influence associated decision making. Scholars are presumed to find value in such research, especially if it supports or counters prevailing theories in the social sciences or inspires new avenues of study.

Understanding the political nature of defense policy process in Congress—why it is more collegial than other policy areas—is important for three primary reasons. First, from a practical standpoint, understanding why the NDAA process works so well—why the bill can bypass partisan traps each year as it makes its way into law—presumably allows those in the policy community to better foresee and overcome obstacles that might otherwise derail that process. This is especially important in offsetting the debilitating effects of partisanship on military readiness, an issue vital to the preservation of national



security. Second, understanding what makes the NDAA process more collegial allots policymakers and others in the policy community a basis for understanding how to potentially bypass partisan gridlock in other policy areas, via substance, process, politics, or otherwise. Finally, studying the resolute endurance of the NDAA process and its political nature provides academics an opportunity to broaden the theoretical understanding of the people, political discourse, history, and institutions involved in that process (and of defense policy formulation in Congress, in general).

In conclusion, the deliberation of defense policy in Congress, namely the annual consideration and passage of the NDAA, has enjoyed resolute and unique political unity over time and it is important to understand why. Scholars have provided some reasons why the NDAA has avoided partisan derailment despite enduring some of the most difficult political environments over the last half-century. Yet, those reasons are disparate and largely inferred by interpreting scholarship that is really focused elsewhere. Essentially, the question whether or not defense policy formulation in Congress is more collegial than other policy areas has not really been addressed directly, with minor exception. As such, the chapters which follow attempt to remedy that shortfall, as there is practical and empirical value to exploring what past research has not yet revealed regarding the political nature of defense policy in Congress.

## Chapter 3 – Methodology

### The untested conventional wisdom of defense policy

To fully address the question of whether or not the formulation of defense policy is approached with more collegiality than other policy issues, it was necessary to reveal and then examine factors that drive members of Congress from every corner of the country, from all political persuasions and backgrounds, to repeatedly transcend their partisan leanings and pass the National Defense Authorization Act (NDAA) into law with uniquely stubborn consistency (for over fifty years straight, and counting). To do so, a mix of quantitative and qualitative approaches, as outlined in this chapter, were employed to test a series of hypotheses aimed at answering the research question: **Is defense policy more collegial than other policy issue areas addressed by Congress? If so, how and why?**

Qualitative analysis was primarily based on data from official records and transcripts of institutional processes to include floor and committee vote statements, testimony presented during committee hearings, speeches given by policymakers and press and media accounts. That information was complemented by interviews with members of Congress, professional staff members (congressional staffers employed by committees), personal office staff (staffers employed in district or state offices), and subject matter experts from think tanks and other relevant, public policy focused organizations such as the Congressional Research Service and the Library of Congress. Quantitative analysis was largely derived from existing historical data, to include comparisons of committee and roll call votes, bill amendment counts, and committee and member ideological indexes, as detailed further below.

Methods used to answer the research question aimed to provide a comprehensive

picture of the political nature of defense policy in Congress, primarily accounting for political pressures internal to (institutional) and external to (domestic and international politics) the policy formulation process during three primary time periods: 1961 to 1966; 1993 to 1998; and 2007 to 2012. Qualitative and quantitative evidence from the NDAA process was compared with that of other policy types which also use major periodic authorizing bills to employ policy—namely agriculture policy in the form of the Farm Bill and transportation policy as the Highway Bill. Ultimately, in doing so, the goal was to provide a comprehensive comparative understanding for why defense policy formulation in Congress has been routinely characterized over time as more collegial than its policy counterparts.

### **The Main Hypothesis**

The primary hypothesis for this study was:

**The formulation of defense policy in the U.S. House of Representatives is approached with more collegiality than other policy issue areas, mainly due to institutional, domestic, and international political pressures on members that transcend competing partisan motivations.**

This hypothesis stemmed from a wealth of historical, anecdotal, and scholarly references as to the uniquely collegial nature of defense policy formulation in Congress. It was fashioned from an initial collective assessment of those references and the resultant primary assertion guiding this study: Motivations driving exceptional policymaker collaboration during legislative deliberations on defense policy emanate from distinct but parallel institutional politics and processes, domestic political influences, and international political pressures. The collegial nature of defense policy formulation has been consistently evident in annual NDAA deliberations over the past fifty-plus years,

especially when compared with how other periodic authorizing legislation was considered by Congress over the same time period. Understanding why the NDAA has met with such success has practical importance – mainly in understanding the risks severe partisanship has on effectively preserving U.S. national security. It also has scholarly value – in providing a better understanding for how institutional, domestic, and international political influences weigh on the defense policy process, and the legislation process in general, in Congress.

### **Qualitative approach & interviews**

The methodology of this study answers the call of social scientists like Theriault and Shafran (2013), who argued for a more comprehensive approach to understanding decision making in the legislative branch. More specifically, they advocated for more qualitative analytical approaches to complement the prevalence of quantitative studies to provide a better account of the true machinations of the policy process. Frances Lee (2009) did so in accounting for the political context of Senate roll call votes in *Beyond Ideology*, explaining that reasons behind apparent partisanship cannot only be gleaned from spatial models but also require an examination of the politics that sways such votes. While useful from a purely academic standpoint, finding practical applications for studies based solely on quantitative analysis can be difficult as they are rendered with critical contextual voids. For example, such studies rarely provide discussion of agenda influence, be it from the president, other involved parties, congressional leadership, or as a response to public demands for action. Also, often absent are nuances of the policies contemplated, political pressures encountered, and the impact of institutional procedures, all vital to revealing a full understanding for the event under scrutiny.

Such amounts to quantitative analysis without qualitative context, a serious

shortfall when truly attempting to fully understand or explain the behavior of an institution as complex as Congress. In other words, numbers—counting actions and votes, etc. in the legislative process—help tell the story, but not the whole story, especially when isolated from associated social discourse. Using predictive or other quantitative analytical methods or tools are useful, but alone fail to capture the wholly organic nature of the institution of Congress. Accordingly, Raymond La Raja (2013) observed, “scholars have become too reliant on ideological scores of individual members to predict how Congress will make laws.” Along those lines, it can be argued the distillation of complex congressional activities into mere metrics betrays the academic ethos, as it ignores historic context, political influences, and institutional processes associated with policy change.

Summarily, much of the character, content, and conclusions of the current scholarship regarding the comparative nature of defense policy in Congress is based on relatively narrow focused analyses. While that analyses provides useful insight, its conclusions are often presented in slivers with varying consideration for the broader political context from which the data was gathered. Therefore, new research that renders conclusions drawn from a combination of qualitative and quantitative analyses and orchestrated with historical context of the political environment from which associated data was pulled, will help provide the most comprehensive (and therefore theoretically sound and practically useful) explanations possible for the question at hand. This study aimed to follow that trend to move the discipline forward productively by providing analysis that employs quantitative measures with appropriate and substantive context to fully reveal the nature of defense policy in Congress.

A key part of the comprehensive approach used for this study leveraged

approximately twenty-five individual interviews conducted in person, over the telephone, via online survey, and email using the questionnaire at the end of this section to guide questions posed. The interviews took place over a twelve-month period, most of which took place in Washington D.C. Interviews were conducted with former and sitting members of Congress as well as with former and current congressional staffers who served as professional staff members (PSM) with various committees and/or as senior staffers with the personal offices of the members they worked for in both the House and Senate. Several of those interviewed continued to build their practical policy expertise as lobbyists, mainly focused on the policy issues under scrutiny in this study (defense, agriculture, transportation). Also interviewed were representatives of the Congressional Research Service, scholars of influential public policy think tanks, former senior administration officials to include a Principal Assistant and Deputy Undersecretary of Defense, a former Deputy Assistant Secretary with the Department of Agriculture, and former senior military officials to include a retired three-star general who has also served as a House committee staff director.

The practical personal experiences of interviewees mainly came from service during the latter two case study periods (1993 – 1998 and 2007 – 2012). And while the earliest case period (1961 – 1966) was somewhat underrepresented by interviewees with direct personal experience due to the time elapsed, many of those interviewed were nonetheless well-versed in that period’s political history and character by virtue of their own research and subject-matter familiarity.

The questionnaire at the end of this chapter provided a guide for conducting the interviews. However, the vast majority of the surveys conducted, especially those conducted in person, included extensive discussions and questioning that went well

beyond the depth of the questions listed in the questionnaire.

Discussions with interviewees provided valuable insight used to compare the way the policy issues are approached politically, as well as in the legislative processes of the bills examined, to include the impact of institutional, domestic, and international influences. The value of this kind of methodology is recognized by the discipline, in that “interviews are an important and distinct means of understanding contemporary political actions and outcomes. Interviews can serve to identify causal mechanisms that are not evident in other forms of data” (Mosley 2013, 5). As such, the open-ended nature of questions and responses during in-person interviews allowed for gathering of insight not captured via other methods. It also allowed for follow-up queries to clarify or gain greater detail as to the influences on the respective policy making processes under scrutiny.

### **Variables & Primary Assertions Tested**

“**Collegiality**,” the primary dependent variable, was defined as *exceptional and consistent cooperative interaction among colleagues over time that rendered legislation which garnered support of at least a bipartisan supermajority (two-thirds) of the House of Representatives upon its final passage*. “**Defense policy**” was primarily operationalized by examples of the NDAA during case study examination periods. “**Other types of policy**” were primarily operationalized by the Farm Bill and the Highway Bill during the three respective case assessment periods, explained further below. The impact of the principal independent (IV) variables, “**institutional, domestic and international political pressures**,” on collegiality was assessed primarily from historical accounting of the legislative process.

Primary assertions tested in Chapter 4, as to the impact of institutional pressures on **collegiality**, included: (1) the specific constitutional mandate for Congress to raise,

regulate, and oversee the military services is an obligation that outweighs partisanship;<sup>2</sup> (2) the NDAA is uniquely consensus-building in its development and consideration among major authorizing legislation routinely considered within Congress; and (3) strong, focused defense committee leadership, including the organization, management, and interaction of committee staff, that is unique among authorizing committees.

The NDAA “establishes or continues DOD programs, policies, projects, or activities and provides guidance on how the appropriated funds are to be used in carrying out those authorized activities” (Williams and Heitshusen 2016b). That collection might include funding authorization for major weapon system procurement such as the F-35 Joint Strike Fighter or a new aircraft carrier, or to maintain a satellite constellation or to build a new aircraft hangar, or even to develop a new artillery shell. Policy and project provisions could outline new personnel recruiting requirements for the services or may authorize funds for DOD schools abroad or the department’s commissary system along with guidance on how those monies should be spent. The bills are typically organized into four divisions: Division A: Department of Defense Authorizations; Division B: Military Construction Authorizations; Division C: Department of Energy National Security Authorizations and Other Authorizations, and; Division D: Funding Tables; the totality of which directs budget and policy for the entire defense enterprise (Williams and Heitshusen 2016b).

Underlying assertions about pressures from the domestic political environment on defense policy formulation in the House are tested in Chapter 5 and 6. Specifically, the

---

<sup>2</sup> Other responsibilities emerged over time in statute as authorities of the federal government were gradually interpreted from constitutional language. Those responsibilities developed as needs arose, but at times met with challenge regarding their constitutionality. Federal authority to regulate waters (rivers and harbors) has been interpreted from the Commerce Clause, for example, but is not specifically spelled out in the Constitution (Mulligan 2016).



notion that distributive politics (universalism, logrolling, etc.) and member ideology are primary drivers of collegial behavior in defense policy formulation is examined.

Measures of collegiality were ultimately assessed using a combination of qualitative and quantitative measures.

Assertions tested in Chapter 7 and 8 focus on how international political pressures weigh on defense policy in Congress. They include the notion that politicians tend to band together when it comes to dealing with crisis or threats to national interests (which usually originate on the world stage or have global implications). Such is an extension of the “politics stops at the water’s edge” view of foreign policy. Furthermore, it was presumed Congress tends to follow the lead of the president in such circumstances and that its members are reluctant to make vote decisions that could be construed as not supporting U.S. servicemembers (or other Americans) in harm’s way.

### **The House as a testing venue**

The U.S. House of Representatives (House) was chosen as a subject for this study primarily for its unique institutional characteristics, presumed to distinctly highlight the interaction between the dependent and independent variables under scrutiny. That is, the majority party definitively rules House processes and as a result, instances of bipartisan cooperation are presumed to be more visible in the legislative process in the House, thereby making it easier to compare the NDAA process with that of the Farm Bill and Highway Bill.

The House is run by majority rule with little opportunity for members of the minority party to substantively influence legislation without bipartisan support, especially if they do not have support from the majority leadership. As a result, the agenda and legislation considered in the House can be quite politically charged and ideologically

sweeping in the nature of the policies addressed. So, if polarization breaks down bipartisanship, it should be more evident in the House than the Senate.

Conversely, in the Senate, most business is conducted by unanimous consent, meaning virtually any member of the majority or minority party has the power to stop or slow legislation single-handedly notionally tempering the partisan nature of the agenda and legislation considered. That is, the unanimous consent process presumably forces Senators to consider how the politics of their legislation might be received by colleagues before its introduced because it will likely not move otherwise. Thus, with the exception of bills considered under the suspension of the House Rules which usually pass via voice vote, instances of cooperation are relatively easy to spot and compare in House deliberations. Collaboration is especially evident during floor proceedings focused on major bills like the NDAA, the Farm Bill, and Highway Bill, thereby making the House an appropriate subject for the study from a methodological and institutional standpoint.

Additionally, certain aspects of this study were modeled to complement research previously conducted by Colleen Shogan (2011). Shogan focused on the institutional and political character of the NDAA process in the U.S. Senate from her first-hand experience with the bill as a congressional research fellow and staffer. This study aims to provide balance to and build upon Shogan's work; to provide a deeper understanding for the political nature of defense policy formulation across the institution – from both chambers of Congress.

### **Why the House NDAA process provides a good test**

The case studies employed are focused on three five-year periods during which partisanship played a notable role in domestic politics. They were also times during which the U.S. was involved with unique security concerns abroad which impacted the

policy making process of the time. While the NDAA has been addressed each year by Congress since its inception, the Farm Bill and Highway Bill are addressed more sporadically, in approximate intervals of three to five years. As such, the time periods chosen for the case studies each had overlapping instances of all three bills deliberated on and passed by Congress, allowing for a roughly even contextual foundation for comparison.

Within each of the three periods the nation also experienced significant historical events exclusive to the policy making environment. Nonetheless, those events were presumed to impact domestic, international, and institutional pressures weighing on the political calculus of decision-making by policymakers at the time. Each of the chapters which incorporate case study examples (Chapters 4, 5, and 6) therefore present a discussion of the historical context of the period, the highlights of which are summarized below.

The first case study period, 1961 – 1966, deep in the Cold War, arguably represents an era of stable and myopically focused defense policy, primarily concerned with countering the Soviet Union and spread of communism. During the second period, 1993 – 1998, the United States struggled with defense policy priorities parcel to its new global role following the fall of the Soviet Union. During the third period, 2007 – 2012, defense policy was largely monopolized by the wars in Iraq and Afghanistan and the broader war on terrorism amidst a vitriol political environment stoked further by global financial turmoil.

**1961 - 1966:** This period was an especially tumultuous time for the United States under Republican and Democratic presidents, a period during which Democrats controlled both chambers of Congress. Landmark legislation was nonetheless passed,

realizing foreign and domestic policy goals to include the Food Stamp Act, the Civil Rights Act, and that which established the United States Agency for International Development (USAID). Agriculture in America was changing quickly during this time, with over 573,000 smaller farms (those with gross sales of less than \$5,000 per year) closing over the five-year period, while the number which made over \$10,000 grew rapidly (U.S. Council of Economic Advisors 1966, 133). On the open road, the Federal Aid Highway Act of 1962 directed states and urban areas to develop coordinated and comprehensive long-range plans and programs that integrated highways with other means of transportation (Williamson 2012, 8). Aside from the initial stages of America's involvement in Vietnam during this time, foreign political influences emanated from the failed CIA choreographed Bay of Pigs invasion in Cuba and the threat of communism spreading across the globe. Defense policy was relatively predictable as a result of the latter, policymakers' attention primarily invested with bipartisan unity in providing means to counter the Soviet Union in a bipolar world (Allison 2017, 204). One of the most significant of events of the period on the domestic front was the assassination of John F. Kennedy, which shook the America political landscape from the optimistic foundation the young president inspired during his tenure. Deliberations over the Highway Bill of 1962, and Farm Bill of 1965, were compared with NDAA provisions considered during this timeframe.

**1993 - 1998:** Defense policy in this period was swayed by the U.S. search for its new global role in the post-Cold War era as the world's sole superpower. It was also characterized by a "peace dividend," major decreases in the defense budget pushed by the Clinton administration. Democrats controlled the Congress in 1994, with the remaining four years led by Republicans. International political influences in Congress emanated

from the Dayton Accords and NATO's intervention in Kosovo and Bosnia during this period. Saddam Hussein continued to defy United Nations resolutions to reopen Iraq nuclear facilities to IAEA inspectors which resulted in coalition airstrikes. On the home front, the Clinton impeachment influenced the tone of domestic political debates as the dot-com boom fueled the economy and a rare federal budget surplus. Highway transportation policy debates were influenced by the evolution of computerized logistics to meet on-demand supply models and the challenge of states and cities to keep up with associated needs, largely with federal funding (Eberts 1997, 14-15). Agriculture policy was characterized by an increasingly integrated globalized market which embraced technologies that increased supply thereby fueling competitive pressures at home and abroad (Dimitri 2005, 8). Deliberations over the Highway Bill of 1998, and Farm Bill of 1996, will be compared with the NDAA provisions considered during this timeframe.

**2007 - 2012:** During the years bridging the Republican Bush and Democratic Obama administrations, Congress started under Democratic control and later split chamber control between the parties. The attention of defense policy in Congress was influenced on the international stage by the ongoing war in Afghanistan and the surge of American troops in Iraq during this period, as temporal and fiscal realities of the broader war against violent extremism settled in. Major domestic political factors impacting policy debates at the time included the election of the first African American president, Barack Obama, the Great Recession, the rise of the Tea Party, and blinding paralysis in Congress that resulted in the Budget Control Act and sequestration. The Farm Bill of 2008 was vetoed twice by President George W. Bush, overridden by Congress both times, with much of the policy debate focused on concerns of spending levels and priorities in the wake of the aforementioned global financial crisis (Austin 2008).

Deliberations over that legislation and the 2012 Highway Bill, an arguably bipartisan affair which was also caught up in congressional spending fights, is compared with the NDAA provisions considered during this timeframe (Laing 2012).

Throughout all three periods the NDAA continuously passed into law each year. This success occurred despite of the unique character of the defense policy landscape at the time and the influences it endured institutionally in Congress and from domestic and international politics. Additionally, both Democrats and Republicans controlled the White House and the Congress at various times throughout the periods examined. Finally, over the entire fifty-plus year history of the NDAA there were only five instances (1978, 1988, 1995, 2007, and 2015) in which the bill was vetoed by the president, two of which fall in the parameters of the case study periods (DeBruyne 2016). Thus, the periods examined represent a healthy cross-section of American political history in the House and provide for an earnestly balanced series of comparisons among policy areas.

### **Authorizing legislation**

Comprehensive authorizing legislation, exemplified by the bills compared in this study, set federal spending targets and may include policy guidance or statutory direction specifically expressing the intent of Congress. Authorizations are different than appropriations legislation which usually does not incorporate policy guidance, but rather approves specific dollar amounts to be spent by the federal government on certain programs or projects. The three authorizing bills primarily used for comparison here—the NDAA, the Farm Bill, and transportation authorization legislation (commonly known as the Highway Bill)—were viewed as roughly equal representations of major authorizing legislation in their respective policy areas and therefore presumed to provide reasonably appropriate platforms for effective comparative analysis (tested in Chapter 4).

Comparative case studies were focused on revealing how the three primary policy areas were approached by policymakers during their respective timeframes and to highlight unique or exceptional differences in collegiality as the bills were considered throughout the legislative process. With that in mind, it is appropriate to briefly explain why the Farm and Highway Bills were chosen as means of comparison to the NDAA.

### **The Farm Bill**

Much like the NDAA, even in times of great political divide the “Farm Bill” has passed with relative certainty about every five years by Congress since the 1930s (Johnson and Monke 2017, 1). The legislation “is an omnibus, multi-year law that governs an array of agricultural and food programs,” characterized as being able to “create broad coalitions of support among sometimes conflicting interests for policies that individually might not survive the legislative process” (Johnson and Monke 2017, 1). While each version of the Farm Bill differs slightly in its authorizations, “Titles in the most recent farm bill [2014] encompassed farm commodity price and income supports, agricultural conservation, farm credit, trade, research, rural development, bioenergy, foreign food aid, and domestic nutrition assistance” (Johnson and Monke 2017). In that regard, Johnson and Monke’s description of the Farm Bill could arguably be compared to the NDAA with relative ease due to its similar broad appeal and support. While there are certainly discernible differences in how (and what) policy issues are addressed in the two bills, there were presumed to be equally, if not more, underlying similarities in the manner by which they are approached politically by policymakers and in the nature by which their respective committees of jurisdiction deal with them.

Since its first days, long before being established as an independent nation, agriculture has played an important role in America’s culture, history, and economics.

As a result, agriculture policy is ingrained in the American political environment. And much like the NDAA, the Farm Bill, a direct manifestation of that history, has enjoyed steady bipartisan support over time, evident in its consistent passage under the leadership of both Democrats and Republicans in Congress and the White House. The House Agriculture (Ag) Committee, which oversees the Farm Bill, is also a larger committee of the House of Representatives, much like the HASC. Also, similar to the HASC, the Ag Committee includes members from all over the country representing a diverse array of political and policy interests and constituencies, much of which converges in the bill's substance. These similarities provided a meaningful platform for comparison when it came to analyzing if one policy realm had more collegial tendencies than another, much like the House Transportation and Infrastructure Committee and the Highway Bill.

### **The Highway Bill**

Virtually everyone in the United States benefits from the nation's vast roadway and transportation infrastructure. It is the crucial backbone of the American economy, enabling interstate commerce and a vital connection to the rest of the world. America's reliance on roads, the ability to move freely from one place to another across the entire continent, from the most rural towns to the busiest cities, is therefore of universal interest to policymakers at all levels of government regardless of ideology or party affiliation. Enhancing that interest is the notion that American culture identifies closely with the freedom of the open roads and anything that impedes or enhances that freedom (from a pothole to a new highway offramp) is liable to gain the public's attention.

Accordingly, members of Congress have strong incentives to set aside partisan divisions to authorize transportation infrastructure with geographically widespread and visible benefits. The Highway Bill authorizes and supports major critical infrastructure



across the country, to include the interstate highway system, major roads, mass transit projects, and bridges and freight movement as well as funding for research, development and education, in addition to providing state block grants for related projects. Members of Congress have debated the role of the federal government with regard to the nation's road system since its earliest days, an endeavor that has progressed from bequeathing federal land grants to states to build roads in the 1800s, to the over \$43 billion in direct federal spending provided for roads in FY 2016 (Dilger 2015, 1-4).

Much like the Ag Committee and the HASC, the House Committee on Transportation and Infrastructure is quite large, by House standards. Its membership is also diverse, yet still often unified by common interests associated with the nation preserving the benefits of modern, well-kept roadways. Accordingly, transportation policy, specifically legislation that authorizes federal roadway funding as found in the Highway Bill is comparable to agriculture and defense policy in its ability to garner consistent bipartisan support through the nation's history.

### **Testing the Hypothesis**

Given the assertion that voting decisions and decisions to cooperate across party lines by members of Congress are influenced by current events and the corresponding political climate, (among other factors), analyses incorporated independent variables (IV) derived from three main areas designed to adequately capture those factors. Those IV's included: (1) institutional influences within Congress, (2) domestic political pressures, and (3) international influences, each scrutinized for their impact on the collegial nature of defense policy formulation in the House (DV).

Chapter 4 includes analyses of four subordinate hypotheses to test the impact of those IVs on the DV from the standpoint of Congress as an institution. Two of the four

explore the comparative ideological disposition of rank-and-file defense committee members and that of the committee leadership (chairmen and ranking members). The third is focused on congressional responsibilities derived directly from the Constitution, and the fourth attempts to illuminate how the organization, interaction, and management of congressional staff influence collegiality in the defense policy formulation process in Congress. Analyses in Chapter 4—institutional influences—was guided by the following secondary hypotheses:

**4a. The process by which the House Armed Services Committee (HASC) constructs and considers the NDAA is more conducive to collegiality than methods by which the Highway Bill and Farm Bill are framed and deliberated on by their respective committees.**

The test for this hypothesis was qualitative in nature and consisted of comparing the methods by which the three committees built their recurring authorizing bill. Presumed to promote bipartisan cooperation, the HASC uses a “building-block” approach that starts with minority and majority staff compiling provisions all agree upon, then they negotiate more controversial provisions, bringing in members for resolution only if necessary and ultimately to vote if no resolution is found (Shogan 2011). Also compared was the **predictability and consistency** of deliberations on the three bills in question. For example, guarded almost ritualistically by committee **leadership** and staff, the NDAA consideration process has been characterized as uniquely predictable and consistent—a testament as to its institutional nature (Shogan 2011). Along those lines, a familiar pre-budget resolution briefing regimen by DOD, followed by posture and budget hearings and markup processes, are repeated annually with active participation by members and staff from both sides of the aisle (Shogan 2011). The almost religious institutional

loyalty to that process, to include the assimilation of House members and staff from both sides of the aisle newly introduced to it, provides difficult momentum to counter regardless of ideological bent or prowess.

**4b. Members of Congress express a greater obligation to collaborate on defense policy as an explicit constitutionally charged responsibility than on other policy issues lacking a specific Constitutional mandate.**

The test for this hypothesis was qualitative in nature. Current and former members of Congress, Congressional staff, and other policy community actors with significant experience dealing with defense policy formulation were asked the following interview question: Do members of Congress feel more of an obligation to cooperate on policy issues specifically charged to the legislature by the Constitution (to raise and support Armies; to provide and maintain a Navy) than those not specifically directed (agriculture and transportation infrastructure policy)? The congressional record and media accounts from the designated case study periods will also be reviewed for rhetoric by policymakers alluding to such ends.

**4c. The HASC staff is organized, “housed,” and operate in a manner more conducive to bipartisan collaboration than other committees in the House, such as the Agriculture or Transportation Committees staffs.**

The test for this was qualitative in nature and consisted of comparing committee staffs by answering the follow questions: Does the minority and majority staff schedule and take meetings together with representatives of the department they provide authorizations and oversight for (e.g. HASC and DOD)? Does the minority and majority staff share office space, or is it separate? Does the committee staff draft provisions of the main recurring authorizing legislation (like the NDAA) as a collaborative effort between majority and

minority staffs? Answers were derived from interviews of current and former staff and members as well as accounts from existing scholarship.

**4d. The ideological dispositions of HASC members are expected to be closer aligned than that of other House Committees like the Agriculture Committee and the Transportation and Infrastructure Committee during the case study periods in question.**

Past research demonstrated ideology was a factor in attracting members of Congress to serve on defense committees—perhaps the most frequently referenced group being the collectively hawkish Conservative Coalition Republicans and Southern Democrats (Rundquist and Carsey 2002, 16). As a result, this hypothesis was tested to provide a comparative baseline regarding the collegiality of the respective committees under scrutiny for the time periods in question. It was quantitatively derived, using existing historical indices which categorized members of Congress over time by ideology via their voting behavior. Membership of each committee of jurisdiction (Armed Services, Agriculture, and Transportation) was scrutinized.

Keith T. Poole's and Howard Rosenthal's (2007) Dynamic Weighted NOMINAL Three-step Estimation (DW-NOMINATE) research was employed to establish ideological reference points for the committees. The baselines were then used for a comparative analysis of the three committees under review. Those comparisons helped reveal whether the committees in question were more ideologically predisposed toward collegiality than their counterparts based on the sway of their membership and aside from the nature of the legislation they oversaw.

Analysis included an evaluation of standard deviations and distribution shapes, looking specifically at whether or not defense was less dispersed and less bimodal than

the other committees. Establishment and scrutiny of the baseline ultimately allowed for a more effective qualitative evaluation regarding the political nature of the policy at hand. Finally, vote differentials for the final passage of each bill in their respective committees were examined for each case study time period, which provided additional quantitative means to assess and compare levels of collegiality between committees.

**4e. HASC Chairmen and Ranking Members are expected to be more ideologically aligned with their fellow committee members as compared with the leadership of other House Committees, like the Agriculture Committee or Transportation Committee.**

This subordinate hypothesis was derived to answer whether or not defense committee leaders are more predisposed toward collegial behavior in formulating defense policy due to certain shared ideological characteristics. It was tested quantitatively and qualitatively. Quantitatively, DW-NOMINATE scores of committee chairmen and ranking members were analyzed and compared across committees. Qualitative comparisons were made regarding the impact of leadership on collegiality by leveraging interviews, existing research, historical media accounts, and congressional records.

Analysis in Chapter 5 and 6, focused on domestic political influences, was guided by the following secondary hypothesis:

**5a. Certain domestic political pressures are unique to defense policy formulation in Congress and render it more collegial than other policy issue areas.**

The hypothesis was tested qualitatively via a series of case studies which compared deliberations over the Farm Bill, the Highway Bill, and NDAA from 1961 to 1966, 1993 to 1998, and 2007 to 2012. The aim of each case study time period was to identify the

**“certain domestic political pressures”** that distinguished NDAA deliberations. To do so, the primary issue that fueled debate in each of the three bills for the three time periods was isolated and analyzed to highlight possible causes of collegiality uniquely attributable to defense policy formulation in Congress.

This hypothesis was rooted in the theory of distributive politics, to include the concept of universalism and the role of logrolling in policymaking. Along those lines, virtually every state and territory in the nation (and arguably most congressional districts) has benefitted from funds authorized by the NDAA, the Farm Bill, and the Highway Bill in some manner. As such, this hypothesis also tested if collegiality in defense policy formulation was different than other policy areas as a product of domestic political pressures on policymakers to steer federal dollars to their electorate.

Analysis in Chapter 7 and 8, focused on international political pressures, was purely qualitative and guided by the following methodology: Approximately twenty-five interviewees from the policy community spanning over four decades of experience revealed what they surmised to be primary factors from the international political arena weighing on how policymakers approached the defense policy process. Their answers were encapsulated into five major themes presumed to underly why the formulation of defense policy in Congress is often construed as more collegial than other policy areas. The first section provides a presentation of those themes: Security; America’s role in the world; Presidential leadership; Defense vs. other policy areas; and, The “information gap”. In an attempt to qualify the observations of the interviewees, a second section applies the themes to three cases. The cases were derived from periods overlapping time periods used in the previous chapters: 1961-1966, 1993-1998, and 2007-2012.

The methodological approach to Chapter 7 and 8 presumed national interests are

arguably non-partisan matters most Americans can relate to and support: pursuit of security and prosperity, the preservation of fundamental societal values, and the ability to project those values abroad (Deibel 2007). Another underlying premise was that international political pressures influence the collegiality of defense policy more than other policy issues, especially when Americans are in harm's way abroad. Wildavsky's (1966) proposition that the president tends to lead and the Congress follow on urgent national security matters was also presumed to hold fast. Finally, research indicating that members may shy away from political decisions that make their party look bad by not supporting the president in challenging times for fear of future punishment at election time, or because they did not want to compromise the country's position abroad by being outwardly contrary toward a position staked out by the administration was considered.

### **Conclusion**

This study aims to better understand the political nature of defense policy formulation in Congress for practical and scholarly purposes. Its ultimate aim is to provide substantive qualification for the assertion that defense policy is more politically palatable for policymakers in Congress to collaborate on than other policy areas. This chapter outlined a plan to do so by employing qualitative and quantitative tools that reveal and examine institutional, domestic, and international political factors presumed to drive members of Congress toward exceptionally collegial behavior on defense policy. The methodological approach leverages a series of historical case studies, interviews, and quantitative data associated with the House NDAA process and compares them with that of the Farm Bill and Highway Bill. Sought was a comprehensive comparative picture for why the defense policy formulation in Congress has been routinely characterized over time as more collegial than its counterparts. The journey begins in earnest with the next

chapter, which provides the foundation for the remainder of the study in its analysis of institutional factors which weigh on the NDAA each year in Congress – most notably the influences of the people and processes of that institution.



**Interview questionnaire  
(UMSL IRB approved, September 29, 2017)**

CONSENT FORM

I understand questions regarding partisanship and defense policy in Congress will be asked of me and the interview is expected to last less than an hour. I also understand confidentiality will be maintained by the researcher if requested and the associated risks and benefits. Finally, I understand I have the right to refuse to answer any questions during the interview. YES / NO (circle preference)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed full name: \_\_\_\_\_

-----

Interview questions:

1. Are there committees in which members from opposing parties have an easier time cooperating on legislation and policy issues than others? If so, which ones and why do you think that is the case?
2. Are there policy issues which members from opposing parties have an easier time cooperating on than others? If so, which ones and why do you think that is the case?
3. What is the primary source of the intense partisanship observed in American politics in recent years?
4. What are instances of institutional processes or cultural norms in Congress that exacerbate or reduce partisanship?
5. What events on the international stage are most likely to influence the decision making of policymakers in Congress? Why?
6. In your experience working with Congress, do matters of agriculture policy, surface transportation, policy, or national security policy seem to be approached with more or less partisanship than the consideration of other policy issues? Why?
7. Do you recall any specific examples of national security policy, agriculture policy, or surface transportation policy under consideration in Congress being treated differently during the legislative process than other policy issues? If so, how was it treated differently and what was your perception as to why it was treated differently?
8. In your estimation, are policymakers and staff in Congress more or less willing to work across party lines to cooperate on national security policy? How about agriculture policy or surface transportation policy? Why?
9. Do members of Congress feel more of an obligation to cooperate on policy specifically charged to the legislature by the Constitution (to raise and support Armies; to provide and maintain a Navy) than those not directly specified (agriculture and transportation infrastructure policy)?

## Chapter 4 - Institutional Influences

This chapter explores activities involved with the National Defense Authorization Act (NDAA) process in Congress and how associated institutional factors influence perceived collegial nature of defense policy formulation as compared with other policy areas. The institutional influences within and proximal to legislative branch activities—primarily from *people* and *processes*—are scrutinized in this chapter while influences associated with events from the domestic political environment and from abroad are examined in Chapters 5 and 6, respectively. The collective aim of the three chapters is to provide a comprehensive exploration of the NDAA process, one that elucidates institutional, domestic, and international political influences weighing on it, and thereby establish a foundation from which to assess why defense policy formulation in Congress is perceived as uniquely collegial among its policy issue peers.

Three primary assertions were made regarding how institutional pressures impact *collegiality (the exceptional and consistent cooperative interaction among colleagues over time)* in the policymaking process and were the basis for the hypotheses that drove the discussion in this chapter. The first assertion is that the development and consideration of the NDAA in the legislative process is unique when compared with other major authorizing bills routinely deliberated in Congress. Second, the specific constitutional provision for Congress to raise, regulate, and oversee the military services is viewed as an obligation by many members of Congress, especially those serving on the House Armed Services Committee (HASC); reverence of that duty then outweighs partisan loyalties in order to fulfill a greater good for the nation. Third, defense committee leadership, organization, management, and staff, are unique among authorizing committees and lend to a more collegial atmosphere between minority and

majority members and staff (both personal and professional committee staff).

Ultimately, all three assertions were grounded in the premise that *people* and *processes* are vital to understanding Congress as an organic institution. That is, Congress is constantly changing based on personalities, the political environment, and current events. Douglass C. North's (1990, 4) conception of institutions provided a theoretical framework in that regard: "Institutions include any form of constraint that human beings devise to shape human interaction." He clarified his thesis in a manner relatable to the machinations of the legislative process in Congress: "Institutional constraints include both what individuals are prohibited from doing and, sometimes, under what conditions some individuals are permitted to undertake certain activities" (North 1990, 4).

Therefore, understanding the characteristics and motives of the *people*—namely members of Congress and staff—and the *processes* (and associated activities) with formulating the NDAA in the House each year was assumed to provide an appropriate institutional framework to illuminate why defense policy is approached with unique collegiality compared with other policy areas.

The aim of this chapter therefore, is to illuminate the collective institutional influences emanating from *people* and *processes* involved with House NDAA deliberations and why, as a result, they may induce a more collegial environment than other policy deliberations. Comparisons with the Agriculture (Ag) Committee and its consideration of the Farm Bill and the Transportation Committee with the Highway Bill (among others) were used to delineate differences from an institutional standpoint with the understanding that revelation of those differences could help explain why defense policy formulation in Congress consistently appears to be more collaborative—rhetorically and substantively—than counterpart policy issues.

When the focus was narrowed specifically on *people*, it became clear personalities and social interaction play a vitally important role in the collegial discourse that defines the institutional nature of Congress. The interaction of members, staff, media, and myriad constituencies, are brought together with constraints of tradition, rules, parliamentary mechanisms and procedures, to a culmination defines the institution. Accordingly, this chapter explores four hypotheses derived from the three previously outlined assumptions. Two of the four hypotheses focused on the comparative ideological disposition of rank-and-file defense committee members and that of the committee leadership (chairmen and ranking members). Of the remaining two, the first was focused on congressional responsibilities derived directly from constitutional language and whether that compelled members of Congress to transcend partisan loyalties to collaborate on policy formulation. The second was focused on illuminating how the organization, interaction, and management of congressional staff influence collegiality in the defense policy formulation process in Congress.

*Process* also weighs heavy in defining the institutional character of the Congress. From the very initial stages of a complex bill like the NDAA, the Farm Bill, or Highway Bill, legislation passing through Congress is subject to myriad formal and informal processes that shape the political constraints and opportunities reflected in the final policy outcome. For example, policy proposals from the Department of Defense (DOD) are introduced in a draft bill the HASC works from to develop a version eventually reported to the full House for deliberation (Heitshusen and Williams 2016b, 1). Collectively, processes like the one the NDAA endures each year (an institution unto itself by North's definition (1990, 4)) helps define the institutional nature of Congress in conjunction with the character and actions of the people facilitating them. That is, the manner in which

people approach the NDAA process help define associated cultural nuances, traditions, and norms, adding to the broader character of the Congress. In the case of the NDAA process, there is an institutional expectation that its substance is too important to be leveraged as partisan punching bag. That view lends to a more collegial approach to NDAA deliberations as fabric of the broader institutional character of Congress. Essentially, those processes help shape the NDAA's legislative provisions as well as the manner in which the bill is approached politically and substantively within and between the House and Senate (and other interested constituencies). That is why the NDAA process—outlined in ensuing paragraphs helps explain the widely perceived exceptional collegial nature of defense policy formulation, one seemingly different institutionally than policy formulation in other issue areas.

### **Process: NDAA Construction & Consideration**

Each congressional committee has a unique history and culture which drives its institutional character (Smith and Deering 1990, 1). The institutional character is shaped by and influences the processes the committee employs to develop public policy under its jurisdiction, to include the creation of legislative vehicles to carry those policies to fruition. In researching this paper, it became evident collegiality plays an integral role in the institutional culture of the HASC and in committee processes. Accordingly, the character of the HASC, to include its stalwart dedication to long-revered practices, has played a significant role in assuring the passage of the NDAA each year for the past fifty-plus years. The committee has passed the bill with such agreement by maintaining an atmosphere of collegial discourse between members and staff, one transparent especially during NDAA deliberations, and a characteristic which has arguably deteriorated over time in other House committees (Mann and Ornstein 2012). Therefore, exploring the

institutional nuances of the HASC’s “sausage making” culminating in what is essentially a failsafe annual passage of the NDAA is vital to understanding why defense policy formulation in Congress appears more collegial than other policy issues and provided inspiration for the following hypothesis: **The processes by which the HASC constructs and considers the NDAA is more conducive to collegiality than those by which the Highway Bill and Farm Bill are framed and deliberated on by their respective committees.** To test the hypothesis, the methods and processes by which the HASC built and considered the NDAA over time were examined and compared with how the House Agriculture and Transportation Committees considered their respective recurring authorization bills—the Farm Bill and the Highway Bill.

The HASC initiates the NDAA legislative process unlike most other House authorizing committees—by coordinating a projected target date with House leadership for the bill’s consideration on the floor. This step usually takes place at the beginning of the calendar year and is the point from which all other NDAA related processes are predicated (Interview with Congressional Research Service (CRS) defense researcher, January 31, 2018). A former senior HASC staffer recalled, “[The NDAA] process demands early collection of information on issues in January so bill can be completed by May,” and “Leadership was committed to the NDAA. HASC always shared it with the Appropriations Committee first, on a bipartisan basis, so parallel negotiations [on appropriations] could ensue immediately” (Interview, January 31, 2018). Essentially, from the very beginning of the process, a path for success is established and reinforced—one that incites institutional collaboration based on the bill’s expected passage. The vast majority of bills in Congress never make it to the floor, let alone coordinated among committees to deconflict possible procedural, jurisdictional, or policy snags along the

way. By leadership signing off on a projected floor date early-on, and given the majority rules House process, the NDAA is essentially on the action agenda (again, a sincere step in the legislative process for any bill to achieve). The expectation is the relative floor date will be met, essentially leaving only the substance of the bill to be reconciled. As such, members have an opportunity to get on the bandwagon with a major bill expected to pass into law—basis for approaching the bill collegially, especially if members perceive they will gain politically (or otherwise) from being associated with its successful passage into law, no matter if they are in the majority party or not.

Conversely, floor action on legislation like the Farm Bill or the Highway Bill, was usually dependent on when the committees were ready (or close to ready) with the legislation or as directed by House leadership. Floor action is based on the political environment; timing (with regard to elections, etc.) and pressures to demonstrate progress toward achieving the majority's policy agenda (or that of the White House) to constituencies. At best, scheduling floor time for most bills, as described by Ornstein (1981, 379) is "increasingly unpredictable and difficult" and "erratic," the queue crowded, especially at the end of the year. In cases examined, a set floor date did not necessarily grant the NDAA complete immunity from partisan tides. However, it did provide more certainty for a path with less of the politicking and competition other similar authorizing bills, like the Farm Bill and Highway Bill, faced toward their uncertain floor appointments. As explained earlier, there is collective interest among members to be associated with legislative successes due to political gains they can potentially provide, regardless of party. Therefore, there is presumably less incentive to be an obstructionist on a bill that is headed to the floor with relative certainty, especially one with as much institutional momentum as the NDAA, thereby providing for a more

collegial approach to its deliberations.

Setting the NDAA floor date also triggered certain institutional influences that appeared to help drive collegial behavior among those carrying out associated legislative processes. First, it sent a message, reinforced by House leadership, that the bill was a priority for action. Given the majority rule of House process, there is expectation a bill with a floor date will pass and thereby provide an opportunity for members to be party to a major legislative success—potentially a political win, regardless of party affiliation, due to the substance of the bill. Second, it pressured both sides to resolve controversial provisions before the floor date to avoid political blowback stemming from hindering the perceived inevitability of the NDAA’s annual passage. The tremendous importance of the latter point—the momentum of the NDAA as an institutional influence—became vitally clear in the research and was therefore worthy of deeper examination.

The powerful momentum of the annual NDAA process was appropriately summed up by a former senior HASC staffer who later retired as a two-star general: “Nobody wants to be the guy that allows the NDAA to fail first in fifty-plus years, there is an institutional legacy, it is an imperative” (Interview, December 22, 2017). Because of the perceived inevitability of the NDAA’s annual passage, members approach its consideration as an opportunity for building political capital (parochial or otherwise) transcendent of the partisan rancor that slows or derails other legislation, like the Farm Bill of 2014 (and 2018, for that matter), delayed a year for a partisan fight over Food Stamp policy and funding (Heiligenstein 2014). Another former HASC Professional Staff Member (PSM), expressed a frequent sentiment of interviews conducted for this study, noting few (if any) members of Congress are willing to “get in front of the train,” to stop the momentum associated with the NDAA process (January 31, 2018). The PSM



emphasized that even if the “axles come off the bus,” the momentum continues and “the bus will be picked up and carried across the line” (Interview, January 31, 2018). Along those lines, Colleen Shogan (2011, 1) mused: “Despite all odds, the NDAA persists – even when the specter of the repeal of ‘Don’t Ask Don’t Tell’ (DADT) almost derailed the fiscal year (FY) 2011 bill.” The same could be said for several other NDAA proposed provisions which, in recent years, included threats to close the U.S. military prison at Guantanamo Bay, Cuba, to alter interrogation techniques authorized for use by U.S. military personnel post-9/11, and which guided funding authorizations for the 2007 troop surge in Iraq.

Those interviewed recalled countless fervent efforts by majority and minority committee leadership and staff working together (sometimes against House leadership or against factions of their own respective party’s political interests), to routinely maneuver the NDAA over partisan roadblocks toward assured bill passage, much like those observed by Colleen Shogan on the Senate-side (2011, 28). Those efforts were bolstered by the generally wide support the NDAA has enjoyed from rank-and-file members, regardless of party. Some of that support originates from the bill’s historically vast compilation of nonpartisan provisions which engender a variety of parochial political interests (an aspect examined deeper in the chapter on domestic political influences). Pressure from those parochial concerns often override the gravity of other broader partisan debates de jour because they relate directly to jobs and the economy of members’ congressional districts (Interview with former defense staffer, April 3, 2018).<sup>3</sup>

Non-defense policy focused provisions have also added strength to the bipartisan

---

<sup>3</sup> Support for the NDAA by members of Congress as influenced by district/state-driven political priorities is explored further in the chapter on “Domestic Political Influences.”

support behind the NDAA's momentum over time. For example, since 1992, billions of dollars in unrequested funding has been authorized for Congressionally Directed Medical Research Programs within Department of Defense. The funding supports research for a broad range of medical maladies—to include breast, ovarian, and prostate cancer, under the auspices of national security (Jansen and Blakeley 2013, 20-21). In that vein, other committees in the House have recognized the NDAA's momentum and leveraged it to move bipartisan (but otherwise stagnant) legislative provisions under their jurisdiction by relating them (loosely, at best) to national security.

Because of frustration with partisan gridlock derailing normal institutional processes, the House Small Business Committee enacted bipartisan legislation in the NDAA. Starting around 2013-15, there was a growing number of Small Business provisions in the NDAA. They basically rewrote the SBA [Small Business Act] within the NDAA; placed [provisions] in the [HASC] Chairman's mark, ran it through minority and majority staffs and members as well as the [House] parliamentarians every step of the way—from early in the process—to remove roadblocks, to assess provisions and work them out between the committees and the parties. Democrat and Republican general counsels from both committees worked to get it done together with House parliamentarians. [The Small Business Committee] waived jurisdiction and sequential referral [to the HASC]. [Members] testified on behalf of the provisions, masked as defense business friendly, supporting the defense base. (Interview with CRS defense policy researcher, January 31, 2018).

The Small Business Committee (SBC) essentially abdicated (sequential referral) its jurisdictional authority to the HASC via the NDAA process to get important elements of its bipartisan supported agenda passed into law. In doing so, the SBC maneuvered around an overall House process stifled by partisan roadblocks and embraced an opportunity for regular-order legislative protocols. The voluntary abdication of power from one committee to another is a rarity in Congress (especially considering the SBC is viewed as relatively nonpartisan) and demonstrated the institutional power of the NDAA's momentum as well as the respect the NDAA process enjoys from both sides of

the aisle throughout the institution. So, while partisan issues may have put the NDAA's collegial track record at risk on occasion, history has established its inertia as complex and difficult to overcome, its momentum a significant factor in shaping how defense policy is approached politically in Congress.

### **Process: Regular Order**

In addition to rules for framing the NDAA, the regular process for enacting the NDAA also promotes collegiality. Its durable, consistent character has garnered loyal bipartisan support over time and transformed the process into an institution in its own right. "There is process success because the process has been so successful," quipped one former PSM turned CRS defense policy researcher of the House NDAA process (January 31, 2018). Valerie Heitshusen and Lynn Williams (2016a, 1) supported that notion when they observed: "Th[e] regular enactment of complex legislation for over five decades illustrates, engenders, and is dependent on close adherence to process and consistency in procedures, schedules, and protocols."

The dependability of the annual NDAA routine was also frequently noted as an essential component of the HASC's collegial atmosphere—the routine supported (and relied upon) by both sides, no matter which party held the majority. The "consistent, predictable, and methodical," legislative steps of the Senate Armed Services Committee (SASC) dealing with the NDAA, as identified by Colleen Shogan (2011, 7), similarly characterized descriptions of how the HASC handled the NDAA. Reflecting on two decades of defense policy experience on the Hill, one veteran congressional staffer pointed to the "the predictability of the bill and its process" as "what sets apart defense policy from others" (Interview, February 1, 2018).

In that regard, the HASC's continuous culture of respect for regular-order

legislative protocol and tradition has been strongly reinforced by committee leadership over time, regardless of party. A senior professional staffer who served with the HASC during the 1990's recalled of Chairman Ron Dellums (D-CA): "He respected and held to the committee process and traditions even though a lot of what was dealt with may have been against his personal ideology...he was ferocious in defending the substance and process" (Interview, 22 December 2017). Additively, a prominent Washington think tank scholar and former West Point professor observed: "HASC and SASC leadership protect the institutional processes of their committees, both Democrats and Republicans" (Interview, January 23, 2018).

In comparison, a former Hill staffer still immersed in agriculture policy as a lobbyist noted of the Ag Committee: "Committee leadership matters and attempts to guard the institution to an extent, guiding newer members to respect the process and the bipartisan spirit of the committee" (Interview, January 11, 2018). However, unlike those who described the legislative protocol of the defense committees she added a caveat about the Ag committee:

There is a lack of respect for legislative tradition and precedent; a gentleman's handshake used to go farther. Institutional knowledge is lacking among many committee members which translates to lack of [Farm] bill history and reduced reverence for existing policy. Ag is a historically congenial committee, staff and members know each other well and that has paid off in the past. As Congress changed and became more partisan, so has the Ag Committee. (Interview, January 11, 2018)

The lobbyist further explained why she thought Congress (and the committee) changed:

The Farm Bill used to not be partisan, the wedges were by region. The regions were split between southern crops like cotton, peanuts, tobacco, etc. versus Midwest corn, soybean and livestock. Bipartisan support came per regional focus. Debates were over who got the "better" program for price supports/protections/subsidies, not really partisan but local, constituency-driven interests. This was before the crop insurance wedge over cost and principles about what government should pay for.

Social programs became a major wedge as conservatives became more politically motivated by pushing for fiscal constraints [on federal spending], especially over children nutritional programs—food stamps and the [Women, Infants and Children] WIC program. Domestic nutrition programs are largest part of the USDA budget and spending and deficits politics became more important than Farm Bill policies as priority for Republicans while Democrats support the programs as a majority.

Traditional farm programs and policies changed as crops started changing via biotechnology and genetic altering. Plants that once were once able to grow in one region, like corn, could be grown elsewhere; like in the South, where it was not possible in the past due to rot of plants, etc. Biotechnology made the plants heartier, seeds were able to survive and thrive as they previously only did in the Midwest. As a result, commodities were [more] widely planted which weakened some of the reasons for regional bipartisanship on ag policy. (Interview, January 11, 2018)

Another former think tanker researcher and current MLA for a HASC member echoed a sensed disparity between committees: “Decorum has slowly been stripped away in American society at large which has bled over into Congress. HASC is a holdout though.” He continued by noting: “Stronger norms in HASC enable it to withstand day to day pressures. The NDAA is a vehicle of tradition that counters the ‘invading army’ of partisanship that is slowly taking over one committee after another and one group after another.” (February 1, 2018).

When queried as to why defense committee leaders from both sides of the aisle resolutely held to a rigid legislative process, the resounding response pointed to a culture that reinforced fairness; being afforded an opportunity to be heard. Along those lines, a former senior HASC staffer and later Undersecretary of Defense characterized HASC Chairman Mac Thornberry (R-TX) as, “seen as fair by rank-and-file, which makes compromise easier,” and further noted of his HASC experience: “Protected was a sense of fairness and bipartisanship; deference to the process was paramount; there was a sense from members that institutionally they felt an obligation to pay-forward accommodations made when minority switched to majority” (Interview, January 31, 2018). The

importance of fairness to success of the NDAA process and the collegial environment it fostered was further echoed by a long-time HASC PSM, turned CRS defense researcher:

Success...was a product of perceived fairness. Even if they lost a provision, members were heard and had an opportunity to present their case and to voice their opinion; not angry or frustrated or emotional; the debate was heard instead of shutting out the minority. When that happens, even if it is politically risky, the environment is more productive and cordial. (Interview, January 31, 2018).

While it mattered if members “won” or “lost” on a proposed NDAA provision, equally important among those interviewed was merely the opportunity to exercise “regular order.” “Regular order” is the exercise of the deliberative path by which a bill becomes a law, from its introduction through referral and passage via the committee process, eventually to the House floor. Regular order is sometimes bypassed by the majority to avoid politically tenuous debate incited by the minority party during the process. As such, bipartisan respect for adherence to legislative protocol carried through to the House floor: “Legislation open to amendment, even with a structured rule is more likely to get bipartisan support because members from both sides have skin in the game and feel like they can be heard, even if their provisions are not incorporated” (Interview with former House MLA, January 29, 2018). Ultimately, the protection and practice of regular order by the HASC was consistently reflected upon as an accelerant for collegiality by those closest to it. As such, respect for legislative protocol provided legitimacy for the NDAA over the years and translated into bipartisan support—support seemingly more robust than what other committees experienced.

Even members who demonstrated notable ideological distance from their HASC colleagues gained from the committee’s culture of adhering to regular order traditions.<sup>4</sup>

---

<sup>4</sup> HASC members’ ideologies compared with members of other committees is examined later in this chapter.

A former senior policy advisor with the HASC recalled, “Leaders and committee members like Ron Dellums learned the process and procedure in order to better maneuver on policy matters” (December 22, 2017). Dellums, a liberal African American Democrat from California’s Bay Area, and “one of the most outspoken congressional critics of U.S. defense policy, a leading voice against military intervention and an opponent of some major weapons systems,” nonetheless rose to be a widely-respected member and chairman of the HASC (Bornemeier and Eaton 1992). Another congressional staff veteran who focused on defense and foreign policy issues during the Obama administration observed: “Because regular order process is respected, HASC minority members are especially likely to provide input to the NDAA that is integrated [into the bill] as opposed to minority members of other committees. It helps bipartisan support because the Ranking Member and rank-and-file have buy-in. They are invested” (Interview, January 29, 2018). Ultimately, close observers of defense policy formulation in Congress, namely in the form of the NDAA process, recognized HASC’s deliberations to be fair in part because regular order legislative traditions religiously adhered to thus respected by members and staff and reinforced by committee leaders from both parties.

### **Process: Building the Bill**

Colleen Shogan (2011, 17) termed the strategy of building the actual NDAA legislation a “building-block” approach in the Senate. The approach, as described by those involved with the process over the years and from literature, generally mirrors that of the House and essentially provides a series of sequential opportunities for minority and majority staff, members, and representatives of the DOD to collaborate and compromise on bill provisions as navigates the legislative process. The approach has also historically safeguarded the NDAA from potentially divisive provisions, no matter the source of

debate, political or otherwise.

The “building-blocks” start in the NDAA’s initial preparatory stages, is then employed in subcommittee meetings and markups and carried through to full committee deliberations, eventually pushing unresolved policy disputes to the House floor for a vote if not reconciled during previous stages (if deemed politically palatable), in public or private fora.

The foundational “block” of the NDAA process normally emerges from a compilation of prioritized legislative proposals derived from the budget planning and policy process at DOD. The DOD proposals are introduced in a base bill the HASC then works from to shape and develop a version eventually reported to the full House for consideration (Heitshusen and Williams 2016b, 1). Within each ensuing step of the committee process, HASC staff and members work continuously to come to terms on disputed issues and seek resolution at the earliest opportunity. The collaboration deepens mutual investment in the bill’s provisions thereby padding assurance of its ultimate success. One former senior HASC staffer during the late 1990’s recalled, “If there was divisiveness based on an issue, it was only for a brief window during which the issue was dealt with and ultimately did not transfer to support on the final bill” (Interview, Jan 31, 2018).

More controversial NDAA provisions are discussed and negotiated among professional committee staff from both sides of the aisle, frequently in conjunction with the Military Legislative Assistants (MLAs)—personal defense policy staffers—of various committee members. MLAs are especially included in cases where provisions in question addressed parochial matters of interest to their specific member, or if the provision fell under the jurisdictional purview of the member’s assigned subcommittee(s). If resolution



cannot be found among the staff, guidance is sought from respective (sub)committee members and even (sub)committee leadership, as necessary.<sup>5</sup> One former HASC senior staffer-turned think tank fellow noted, “The committee protects its turf jealously and is able to move the process and keep out provisions that may otherwise hijack it” (Interview, December 22, 2017). Along those lines, a think tank scholar also reflected, “HASC and SASC leadership protect the institutional processes of their committees, both Democrat and Republican. Because of their expertise and the substance and consequences of the NDAA, they are able to counter [chamber] leadership’s challenges” (Interview, January 23, 2018). An example of that protective action was shared by another staffer. He recalled a successful cooperative effort by Senators John Warner (R-VA) and Carl Levin (D-MI) (SASC Ranking Member and Chairman at the time, respectively) to remove highly controversial hate crimes provisions from the fiscal year FY 2008 NDAA that was tacked on as a Senate amendment and jeopardized its passage, as its addition had spurred a veto threat by then President George W. Bush (Interview, February 7, 2018).

If resolution still remains elusive on a provision in question, an amendment was often prepared for presentation at the subcommittee and/or full committee bill markup, possibly triggering a roll call vote, with the same course of action ultimately mirrored on the House floor if the issue made it that far without resolution (Shogan 2011). One staffer recalled, “Controversial provisions were okay to hold back if there wasn’t resolution made among staff and members. In that case it was understood the issue

---

<sup>5</sup> The way HASC-associated minority and majority staffers (PSMs and MLAs) interact with each other and with members is uniquely collaborative and adds to the collegiality of the NDAA process as examined in the section of this paper on “Staff Organization & Operations.”

would be offered as an amendment for a vote; not a surprise to the opposing party versus other committees where you never knew what was coming for amendments in markups” (Interview, January 31, 2018).

The protocol for using amendments as a last resort, when all other opportunities for collaboration are exhausted, is not the only difference highlighting institutional disparities between deliberations on the NDAA and that of other major authorizing bills. Committees like the House Agriculture (Ag) and Transportation Committees, for example, integrate controversial provisions directly into the chairman’s mark (the final version of the bill considered at its respective level – subcommittee or full committee) forcing members to vote up or down on the entire bill instead of on individual divisive issues (Shogan 2011, 16). The practice is a disincentive for collegial behavior as it does not allow for regular order dissent, the importance of which was discussed earlier. If controversial issues can be debated and voted on first, even if associated provisions are added into the final bill against a member’s wishes, the process provides that member with an opportunity for their voice to be heard, on the record, regarding the issue in question, thereby representing a more fair and collegial process.

The Farm Bill process (like others in the House) also provides unnecessary opportunities for partisan derailment. Both the minority and majority sides of the Ag Committee have a long-followed practice of building and introducing their own separate versions of the legislation then attempt to reconcile the two during markup.

The majority and the minority each tend to draft their own versions of the Farm Bill. The titles or provisions usually do not match and they use the markup as an opportunity to reconcile the bills, like a conference [committee]. Minority staff tends to advise the majority staff of their wants, interests, and priorities for the upcoming Farm Bill, but usually the first time they see the comprehensive legislation is at the markup. (Interview with former Ag Committee staffer January 11, 2018)

Instead of starting with a product built of “block” provisions all but agreed upon (like the NDAA), the Farm Bill resides at the other end of the spectrum—a much more difficult path to navigate politically and process-wise, one spring-loaded for partisan conflict. A former Ag Committee staffer who later served as a Deputy Assistant Secretary at the Department of Agriculture and has worked on agriculture related policy issues since the 1980s corroborated: “the [Ag Committee] majority usually initiates the primary bill for the committee then brings in the minority along the way to work through issues and to integrate their priorities - minority members often sit in on majority meetings [to help resolve controversial provisions] with constituents but not always.” He added that “Farm Bills were supposed to be worked from the subcommittee level up but that goal has yet to be realized” (Interview, February 7, 2018). The HASC’s approach to the NDAA process is different, focused on building and maintaining the integrity of the core bipartisan provisions agreed to in the base bill to avoid jeopardizing collaborative progress with controversial votes or by association with partisan issues that might upset its momentum.

Delving further into the legislative path of the NDAA, the previously mentioned target floor date established between House and HASC leadership sets into motion a series of time-honored activities by the committee. The HASC’s professional staff, reputed for their subject matter expertise and process loyalty, carries out the routine of activities each year, primarily in a nonpartisan manner and largely motivated by the opportunity to progress substantive policy rather than political agendas.<sup>6</sup> Again, consistency and replication of the NDAA processes by staff was repeatedly noted in interviews as key to the bill’s success: “Repetition—the process is replicated each year

---

<sup>6</sup> The role of the staff is examined in deeper detail later in the chapter.

with rare exception, it is a proven process...HASC & SASC have mastered that process. They have staff that live and breathe the process” (Interview with CRS defense policy researcher and former HASC PSM, January 31, 2018).

“Staffer Days” are a key part of the successful repetition as well as sharpen staff expertise and reinforce institutional norms that emphasize collegial discourse in the NDAA process. “Staffer Days” consist of DOD representatives hosting nonpartisan briefings for PSMs and MLAs to immerse all parties into the latest and most pertinent policy issues together. Accordingly, the activities facilitate free-flowing discussions on provisions of the administration’s annual defense budget proposal, those ultimately incorporated into the “Introduced Version” of the NDAA, the version that “Typically contains only the legislative proposals requested by the Administration” (Heitshusen and Williams 2016b, 2). The value of “Staffer Days” is therefore in its linking of executive and legislative branch representatives on policy and budget proposals, regardless of partisan politics.

A former staffer who worked extensively on the NDAA as well as the Highway Bill during his Hill tenure attested to the value of “Staffer Days”: “Congress did what they wanted on transit and highway funding. There was occasional discussion on a few high-level policy issues between the Transportation Department and Congress during the bill’s deliberation but not really.” On the other hand, he noted, “The Pentagon’s lobbying is a force to be reckoned with. They would fly you out to see anything, anywhere to help you learn and understand” (Interview, April 3, 2018). Another CRS researcher and close witness of congressional processes since 1968, commented, “DOD ensures the HASC and SASC have what they need to do the authorization and keep the committees happy, informed, and responsive” (Interview, November 3, 2017). His view contrasted with how

policy proposals were formulated for the Farm Bill with relation to the Agriculture Department: “committees will take some cues from the administration on where policy should fall and what will be acceptable...[but] constituencies push agendas mainly through trade organizations” (Interview with former House Ag Committee staffer, January 11, 2018). “Staffer Days” then provides a bipartisan platform enabling collaboration and communication extending throughout the NDAA process unlike most other discourse on legislation between the Hill and executive branch departments.

“Staffer Days” are followed by a series of posture (wherein senior military officials communicate the state of the force) and budget hearings once the administration’s budget is officially released, the schedule of which is essentially identical to years past, changed only by the issues of the day. Hearings unify members and staff with rare exception, as the testimony, discussion, and discoveries within them are transferred into the actual substance of the NDAA’s provisions. “Hearings matter – they meant something. There was focus on a substantive issue that needed solution or oversight; substance versus grandstanding. Protesters like Code Pink on Iraq made both sides of aisle angry,” because they detracted from the productivity of the hearings for all members, regardless of party or ideology (Interview with CRS researcher, January 31, 2018). The lack of tolerance for politically motivated behavior that detracted from substantive policy debate extended to members also: “There were members that tried to counter the process, be bomb-throwers, especially early on when they were freshmen. The Chairman and Ranking Member would often correct such behavior and/or they would get swallowed by the process” (Interview with CRS researcher, January 31, 2018). A former senior HASC staffer who served with the committee during 1990’s noted even the Clinton impeachment was not leveraged politically during committee deliberations:

“Leadership would not tolerate such behavior...chair nor ranking member. The defense budget was the roughest part of relations with the Clinton White House. But, it was not apparent the Clinton scandal impacted the ability of HASC members to work together” (Interview, January 31, 2018).

Committee and NDAA process unity also stemmed from the reality that decisions made on hearing subject matter directly impacted national security: “Each year the national security strategy must be reviewed to translate into readiness needs and decisions on how best to defend” (Interview with CRS scholar, November 3, 2017). Accordingly, the virtual same lineup of service secretaries and chiefs, other senior officers and enlisted members, and defense policy wonks testified in a parade of hearings before the HASC each year regardless of the party in charge, all focused on providing context to justify NDAA provisions. In contrast, as one former Hill staffer-turned CRS scholar reported: “Other committees spend their time on a variety of smaller bills which can bring divisiveness, not order, the process is messier, disparate versus unifying” (Interview, January 31, 2018).

Routinized subcommittee hearings also reinforced bipartisan institutional norms of the HASC during the NDAA process, the substance of which fed into the jurisdictional markups of their respective bill sections. While other House subcommittees can take several hours or days on marking up a single bill, HASC subcommittee markups on respective NDAA sections usually last less than thirty minutes and rarely go longer than an hour—an unusual feat considering the complexity of some of the issues and a testament to the collegial nature of the process (McKeon 2013). The efficiency of HASC subcommittee markups is an additional testament to the value of the collaborative “building block” approach discussed earlier and its ability to deflect divisive matters for

resolution to another venue (via informal negotiation between staff and/or members, or amendment in full committee or the floor), thereby protecting the collegiality of the overall process and the integrity of the provisions agreed upon to that point.

The marked-up subcommittee bill sections are compiled into the draft NDAA, subsequently marked-up by the full committee (FC). The FC markup results in the “Reported Version” of the bill sent to the House floor for consideration by the entire chamber (Heitshusen and Williams 2016b, 2). Bipartisan solidarity to pass the bill is evident throughout the FC process: “members and staff frequently reach across the aisle and between chambers to build coalitions, answer member questions, push back on criticisms and pre-empt veto threats from the executive branch” (McKeon 2013).

Part of the cooperative atmosphere is motivated by the notorious marathon nature of the HASC markup (atypical of other committees), essentially a show of unity to minimize shared misery. The FC markup of the NDAA, viewed as a cultural rite of passage, is traditionally held for as long as it takes to get the bill done, which can exceed twelve hours (McKeon 2013). One MLA, the veteran of multiple NDAA markups over twenty years recalled, “One big, long, drawn-out mark-up lasts until the wee morning hours. Part of leadership’s strategy—from both sides—is to tire members out and wait until very late in the process to address fairly controversial issues so they will just want to get the markup completed and more apt to give in on or agree on issues” (Interview, January 26, 2018). Another former HASC PSM highlighted attributes that differentiated the NDAA, “The marathon markup keeps the lobbying to a minimum; it has become more transparent over time but has also gotten longer; people do not take advantage of the process [politically]” (Interview, January 31, 2018). The FC markups of the NDAA thereby provide an additional layer of protection against partisan discord and foster

collaboration which usually results in the bill being reported to the House floor with near unanimous support from committee members.

The nature of the NDAA process also protected the legislation from other (internal and external) institutional pressures during its consideration. For example, “Changes to the NDAA usually required a sign-off by the Pentagon. The Chairman might change something, but there had to be good reason, and it was usually in consultation with the DOD” (Interview with former staffer, April 3, 2018). Additionally, in a point reinforced by Smith and Deering (1990, 173-176) referencing influences internal to the House, one CRS expert assessed the contemporary jurisdictional power of committees and its actual weight on policy formulation:

Defense committees have been able to protect their policy issues and processes in comparison [to other committees]. [HASC] leadership makes a discernible difference and the [defense] committee process seeks compromise, which is lost on other policy issues....The House defers to the defense committees on what is right, substantively. (Interview with CRS expert, December 4, 2017)

Furthermore, another long-time MLA who worked for several HASC members recalled efforts by House leadership to protect the NDAA’s integrity: “The Rules Committee tended to limit controversial issues the bill might face, thereby ensuring it had a better chance of passing when it hit the floor and limiting members’ ability to amend the base bill passed by HASC” (Interview, January 26, 2018).

The NDAA rarely endured major issues passing the House, for that matter. “Even with controversial, politically-charged national policy questions on the docket, such as the wars in Iraq and Afghanistan, detainees and TRICARE benefits, the two chambers consistently approve the NDAA with an overwhelming, bipartisan majority” (McKeon 2013). Though, some had a more cynical view behind the support wealth of support from both sides of the aisle:



Any legislation that gets over 300 votes routinely can make it look like a trivial issue, as if nobody cares about it politically. There is little to gain from countering it, much more to lose from voting against the troops. The NDAA is pretty much the same as supporting a resolution in favor of mothers. Who could vote in good conscience against that?! How many other GOP leadership sponsored bills can you say that Nancy Pelosi voted for this year...or, ever? (Interview with former HASC senior policy staffer, December 22, 2017).

Ultimately, regardless of the source of its strong bipartisan support the NDAA, with little exception, has moved to the next stage in the process—the conference committee—with almost predictable precision each year.

The nature of the NDAA conference committee<sup>7</sup> was revealed to also share many of the same collegial traits experienced during preceding House deliberations. One former senior HASC policy PSM who was later appointed a service undersecretary noted:

Often House-Senate NDAA conference negotiations would take place at the staff level in an effort to protect the product policy—an approach used across the entire bill that was perhaps riskier, more dangerous, but still remains a course correction opportunity not available in other policy areas. The process in the House and elsewhere is broken. Both sides in other policy areas provide one position, not even open to discussion or negotiation, take it or leave it. (Interview, January 31, 2018)

The importance of the conference committee in ensuring the NDAA's success was highlighted earlier as the stage of the legislative process during which Senators Levin and Warner successfully pressed to remove controversial hate crimes provisions from the FY 2008 NDAA, essentially saving it from a veto by President Bush. Clearly still influential during the NDAA conference committee, staff interactions, culture, and character weigh on its overall political nature (discussed more thoroughly, later in this chapter). Also evident in conference proceedings were signs of the “building block” approach, supported by both sides of the aisle: “Measures carried in one house and not the other are

---

<sup>7</sup> Conference committees are employed toward the end of the legislative process to reconcile differences between the House and Senate version of a bill. If successful, the conference committee issues a conference report—the final version of the bill—which is then considered for passage by both chambers as required by the Constitution before being sent to the President for consideration.

frequently set aside for deals on bigger issues of more importance to the committee's top leadership. At the end of staff-level talks, remaining issues are elevated to the chairmen and ranking members to work through at the member level" (McKeon 2013).

### **Concluding thoughts on NDAA Construction and Consideration**

Pressures from institutional processes, specifically the manner by which the NDAA is deliberated on in the House, provides a fertile foundation for collegial behavior among members of Congress unmatched in other policy areas. Consistent routine, bipartisan loyalty of HASC leadership and rank-and-file members to regular order and a conjoined and disciplined focus on policy substance, render an approach to the NDAA that reinforces respect for collegial protocols and tradition as the bill traverses the legislative process. Those established institutional norms buttress HASC's processes and keep the NDAA moving forward with active participation from the minority and majority parties, their attention and loyalty to its momentum maintained by a collective investment in its provisions. The institution expects the NDAA to succeed from its initial stages each year. The legislative process reinforces that expectation and helps carry the NDAA through into law each year, the bill also garnering collegial deference from the political rewards its successful passage potentially offers. Ultimately, the institutional character of the HASC and House (to a lesser degree) motivates a collegial approach to defense policy formulation, one presumably complemented by influences stemming from the subject of the next section—constitutional authority.

### **Institutional Influence: Constitutional Obligation to Defend the Nation**

Article 1, Section 8, of the Constitution directs Congress to provide for the nation's common defense. In doing so, it establishes a distinct, unifying foundation for those serving on the defense committees in Congress, transcendent of political loyalties.

As a result of that unifying factor, a more collegial atmosphere exists during defense policy formulation, especially evident during the annual consideration of the NDAA, distinguishing it from deliberations on other policy issues like those surrounding the Farm Bill or Highway Bill. Evidence is presented through the rhetoric of congressional leaders, rank-and-file members of both parties, staff and others of the policy community, delivered during policy debates, on the House floor, in the press, etc. The constitutional mandate therefore, is found to be a guiding principle by which House Armed Services Committee (HASC) approaches its work, regardless of ideology—a stalwart guide that enables and complements the bipartisan nature of the committee and ultimately exemplifies its collegial nature. Such drove the derivation of the sub-hypothesis tested in this section: **Members of Congress express a greater obligation to collaborate on defense policy as an explicitly charged constitutional responsibility than on other policy issues lacking a specific constitutional mandate.**

Members of Congress are bound to support the U.S. Constitution by taking an oath of office as directed by Article VI, clause 3, of that document. The current version of the oath has not changed since 1966 and prescribed by U.S. law (5 U.S.C. §3331) (U.S. House of Representatives 2018a):

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

The law also requires all other federal government employees, including congressional staff, to affirm their allegiance to upholding the Constitution (U.S. Office of Personnel Management 2018). The oath of office therefore, taken by all congressional members

and staff, provides a means of unified purpose and direction for all members of the institution (and for all federal government servants, for that matter). Former Secretary of State, Rex Tillerson, characterized the oath in that broader sense when he remarked: “[W]e all took the same oath of office. Whether you’re a career employee or political appointee, we are all bound by that common commitment: to support and defend the Constitution, to bear true faith and allegiance to the same, and to faithfully discharge the duties of our office” (Felton 2018). The oath, therefore, is a mutual reference point that underpins loyalty to the principles and provisions of the Constitution, regardless of party, ideology, or religion.

An extension of the responsibilities to the oath is found in Article 1, Section 8, of the Constitution and levies a more specific charge on members of Congress—to provide for the defense of the nation. Accordingly, that mandate is commemorated by a plaque facing the center of the witness table in the main House Armed Services Committee hearing room on Capitol Hill. The plaque reads:

U.S. Constitution – Art. 1 – Sec. 8  
The Congress shall have power...  
to raise and support armies...  
provide and maintain a navy...  
make rules for the government and  
regulation of the land and naval forces.

Not only is the quote a reminder of a major obligation of the legislative branch to the nation, the premise of the constitutional clause is foundation to the Armed Services Committee’s jurisdiction on legislative matters and thereby linked to its institutional culture. It is mantra for virtually all committee members, reinforced by committee leadership regardless of party—a unifying guide in carrying out their duties, their institutional responsibilities, to oversee defense policy for the nation in the House of

Representatives.

Reverence to the Article 1, Section 8, mandate has persevered over time, a telltale characteristic of the House Armed Services Committee's culture. As such, it is routinely identified in the rhetoric of its members and leaders as a prime contributor to the Committee's bipartisan nature. Along those lines, organizational hearings take place at the start of every Congress for each committee to establish and adopt the committee rules, introduce and formalize its membership, and establish the tenor and direction for the official record. In the case of the HASC, those official hearings also provide a means to demonstrate consistency in the Committee's dedication to the constitutional mandate to provide for the common defense. They also help in distinguishing the HASC from other committees like the Agriculture Committee or the Transportation Committee, especially when it comes to amplification of the HASC's bipartisan cultural bent—at times expressed with prideful boasting. The opening remarks made by HASC Chairman, L. Mendell Rivers, a Democrat from South Carolina, on February 1, 1965, during the Committee's organizational meeting at the start of the 89<sup>th</sup> Congress provides a prototypical example. In that hearing, Chairman Rivers (Committee on Armed Services 1965, 2) conveyed to his colleagues the importance of the charge of Article 1, Section 8, as it pertained to their committee responsibilities:

Now there is one overriding duty imposed upon the Congress and part of it, in turn, imposed upon this committee and that is the power vested in the Congress to provide for the common defense and general welfare of the United States and, in particular, the power and thus the responsibility—listen to this—to raise and support armies\*\*\*to provide and maintain a Navy\*\*\*to make rules for the government and regulation of the land and naval forces\*\*\*and to “make all laws” which shall be necessary for carrying into execution the powers that I have just mentioned.

I don't plan to overlook that part of the Constitution.

Now there is a duty imposed upon the Congress and no one has this responsibility but the Congress of the United States. As far as I am concerned, this committee will be operated on behalf of the House of Representatives in accordance with that constitutional mandate.

Chairman Rivers continued his narrative in press release later that year. The release was published following a hearing on H.R. 4016, the annual authorization of defense appropriations, one of the earliest NDAs ever considered by the Committee. In it, Rivers (Committee on Armed Services 1965, 768) characterized adherence to the mandate as a “moral and constitutional responsibility,” and that in considering the bill’s provisions it was, “the intention of the Congress to fully discharge its responsibilities under article I section 8 of the Constitution of the United States.” Following suit, during the same hearing on H.R. 4016, Representative F. Edward Hébert (Committee on Armed Services 1965, 473), a Democrat from Louisiana and a HASC subcommittee chairman, in discourse with the hearing witness, Secretary of Defense Robert McNamara, reinforced Chairman Rivers’ remarks:

...there is no doubt as to the authority here. The authority is crystal clear in this issue. Under the Constitution-and you can probably quote the exact language; I don't recall it exactly-but it says something to this effect: The Congress shall have the authority to raise forces. Now, that is just very, very clear.

While the comment could be construed as Hébert just pandering to the Chairman, it was nonetheless a reminder that HASC members took their constitutional responsibility seriously enough to reinforce it. As such, other members also echoed the sentiment of Chairman Rivers. They did so not just during the 89<sup>th</sup> Congress, but in ensuing years and decades, a trend followed by members from both sides of the aisle—a unifying factor and shared obligation irrespective of ideological sway.

On January 10, 1995, during the organizational meeting of the Committee on

National Security<sup>8</sup> (1995, 3) for the 104<sup>th</sup> Congress, Republican Congressman Floyd Spence, the first of his party appointed committee chair since 1953, made comments startlingly reminiscent of those made by Chairman Rivers and Congressman Hébert thirty years prior:

First, I want to draw everyone's attention to the plaque in front of Mr. Torkildsen right there. On it is engraved an excerpt from Article 1, Section 8 of the Constitution that reads: "Congress shall have power to raise and support armies; to provide and maintain a Navy; to make rules for the Government and regulation of the land and naval forces."

...We are tasked with what I believe to be one of the Federal Government's most fundamental responsibilities—to maintain a ready and capable military.

...we should not lose sight of the fact that as the name of our committee suggests, we have the responsibility of providing for armed forces which can defend our country against any threat. Regardless of how much disagreement lies ahead, I want the debate to be positive and in the end hopefully focused only on the most appropriate or efficient path toward that commonly held objective. To this end, I pledge to work with every Member of this committee and with every Member of the House to ensure that we live up to our responsibilities under Article 1, Section 8.

Two years later, on February 5, 1997, during the National Security Committee (1997, 2) organizational meeting for the 105<sup>th</sup> Congress, Chairman Spence continued the narrative in a similar vein, expanding his comments to include specific references to the NDAA when it came to the Committee's jurisdiction and duty:

While we do not always agree amongst ourselves, there is not a person in the room who doesn't take his or her job seriously. Legislatively, what this committee produces probably requires more consistent coordination, teamwork, and bipartisanship than any other bill the House considers each year. Our disagreements are few and far between, when you consider them in the broader context of this committee's jurisdiction and its accomplishments.

A decade later, on January 10, 2007, Californian Republican Duncan Hunter echoed

---

<sup>8</sup> The House Committee on Armed Services was renamed the House Committee on National Security between 1994-1999 ("Historic Committee Names" 2018).

sentiments of his colleagues-past during the Armed Services Committee's (2007, 2)

organizational meeting for the 110<sup>th</sup> Congress, as its Ranking Member:

...you have got in this wonderful committee, I think, the greatest mix of Democrats and Republicans in this House, and a committee that is strongly bipartisan. And what we can pledge to you is, we are going to stand on principle, but we are also going to stand with you and with the Democratic Members of this committee on the common ground that is represented by the interests of the men and women who wear the uniform of the United States.

Hunter's comments preceded those of Missouri Democrat Ike Skelton, who served as HASC Chairman during the 110<sup>th</sup> Congress. Skelton made similar allusions to the shared sense of duty among committee members—a product of their directed focus on defense policy—and how that extended to a more collegial, bipartisan atmosphere: “[The HASC] is truly bipartisan and we do our very, very best to work hard in an intelligent and dedicated way, to be responsible for our national security. And I know we will continue that tradition” (Armed Services Committee 2007, 3). His comment yet another reference to the plaque depicting Article 1, Section 8, hanging in the committee room.

Evidence as to the influence of the constitutional responsibility was not limited to hearings over those years. When queried during a conversation in October of 2017, as to why defense policy seemed to anecdotally enjoy smoother collaboration across the aisle, one former member of Congress who served as a HASC subcommittee chairman during the Clinton administration immediately cited Article 1, Section 8, as a primary reason (all interviews were confidential; the names of interviewees are withheld by mutual agreement). The Congressman even mentioned the plaque in the committee hearing room, unprompted. In further reflection, the he also recalled most members shared a common view that the mandate was considered to be a serious matter, a constant reminder of their duty to country which made it a factor in helping to facilitate



cooperation across ideological divides.

A former HASC staffer who served on Capitol Hill during the 1990's, now a long-time defense policy scholar at a prominent public policy think tank in Washington, shared a similar memory. He mused, "Defense is a sacrosanct issue still to an extent. It is looked at by members [of Congress] as an important issue. That is why Article 1, Section 8, of the Constitution is posted in the line of sight of the witness table in the HASC hearing room." In another interview, the former HASC deputy staff director of the same era, who later served as Principal Assistant and Deputy Under Secretary of Defense for Installations and Environment, noted "Members are serious about their dedication to the Article 1 responsibility," echoing the sentiment of his former colleague.

The impact and staying power of the constitutional charge was evident and reinforced over time, clearly inculcated in the Committee's institutional culture. One former congressional staffer and son of a U.S. Senator noted, "There is rhetorical dedication given to the constitutional responsibilities of the Congress when it comes to defense of the nation, especially by the leadership of the committee. It is a prolific anecdote and a product of the committee culture. The Senate Foreign Relations Committee has demonstrated similar tendencies in their 'advise and consent' responsibilities directed by the Constitution." A younger, less experienced Hill staffer and military legislative assistant (MLA) who worked on defense policy issues in the personal office of a HASC member during the most recent 115<sup>th</sup> Congress, immediately recognized the importance of the constitutional charge as it pertained to the responsibilities of the committee and its members. Prior to his MLA position, the staffer had been a policy advisor on the 2016 campaign staff of independent presidential candidate Evan McMullin. Before that he worked several years at center-right leaning

public policy think tank. Presumably, those work experiences in combination with the brevity of his time on Capitol Hill (less than one year), could help explain his less altruistic view of the constitutional mandate. As such, he characterized the constitutional charge as a potentially coercive political tool, yet in manner that still drove unity among members: “Article 1 is leverage to ‘shame’ members of the other party into action, to remind them it is their duty to provide for armies, navies, the common defense, etc.” While his conclusion inferred a less politically friendly path toward resolution on policy, it did not necessarily nullify bipartisan cooperation. And, the underlying notion that the constitutional mandate was an influential factor in the policy making process was not challenged. Instead, it was reinforced again, internalized by those working within the institution over time, proven to garner weight in the interactions of those formulating defense policy.

In other interviews conducted with sitting and former members of Congress and staff, respondents were asked the following question: “Do members of Congress feel more of an obligation to cooperate on policy issues specifically charged to the legislature by the Constitution (to raise and support Armies; to provide and maintain a Navy) than those not specifically directed (agriculture and transportation infrastructure policy)?” One long-time Senate staffer, who worked for a member of the Armed Services Committee through several NDAA cycles, expressed the thought that cooperation across the aisle was not necessarily linked to a shared sense of duty based on constitutional responsibilities. A somewhat parallel view shared by a former Pentagon and congressional defense commission staffer concluded: “The Constitution is not a compelling reason on its own for the majority of Congress who will all [sic] give you their personal interpretation of what their Oath of Office means (aka, one question and

you'll get 535 different answers in return).” Another former Hill staffer from the Midwest who worked with on the Agriculture Subcommittee of the Appropriations Committee flat out disagreed with the premise of the question, “I do not believe Members feel more obligated to cooperate on National Security policy more so [sic] than transportation or agriculture.” Such views, discounting the impact of the mandate, were by far the exception of those polled. As the majority of the twenty-five interviewees, much like the historical evidence presented throughout this section, recognized some form of unique duty sense was garnered from the constitutional directive of Article 1, Section 8. Additionally, there was clear consistency in the rhetoric over time, regardless of party affiliation. Such provided credence to the notion that members view the HASC (and thereby the defense policy they deliberate upon) as unique by virtue of its jurisdictional role. Furthermore, they see that role as predicated on clear constitutional authority—an essential basis for unity that fuels a more collegial atmosphere as compared to other policy issues on Capitol Hill.

Looking to other policy areas, agriculture policy and transportation policy, like defense issues, both have a long history of being deliberated by Congress, back to earliest days of the nation (Williamson 2012). However, neither command a line of constitutional authority as definitive as national security. Retired Army Colonel Matthew R. Kambrod (2018), who authored a book on the defense policy process in Congress in addition to being a long-time defense lobbyist and former Deputy Assistant Secretary of the Army for Aviation Research, Development and Acquisition, recognized this dynamic: “...defense is unique. It’s not agriculture; not commerce; not health, education and welfare; not state — not like any other government appropriation. It is the result of the Constitution’s clear first charge to the nation to ‘provide for the common defense.’”

Of the two major legislative vehicles that employ agriculture and transportation policy, the Farm Bill and the Highway Bill respectively, the Farm Bill arguably has the least clear line of authority from the Constitution (though neither truly enjoy definitive authority). Along those lines, Daren Bakst, a research fellow in agricultural policy at the Heritage Foundation, highlighted troubles the Farm Bill struggled with regarding constitutionality from its earliest days:

The first farm bill, the Agricultural Adjustment Act of 1933<sup>9</sup>, was a New Deal response to severely depressed commodity prices. In the depths of the Great Depression, farm products were not selling, of course, and the excess supply undercut their value. The goal of the act was to raise prices by restricting production of corn, wheat, cotton, rice, peanuts, tobacco, and milk. Farmers were paid to keep fields fallow with funds generated by a tax on food processors (a levy later deemed unconstitutional by the U.S. Supreme Court). Taxpayers have been on the hook ever since.

Summarily, it is difficult to match the constitutional mandate defense policy enjoys with that of ag policy and the Farm Bill.

A more defined expectations regarding the role of the federal government in transportation policy emerged over time, but not without controversy regarding the authority to act, to include the constitutionality of such actions (Williamson 2012). In a corollary debate, the authority for federal statutes regulating waters (rivers and harbors) was interpreted over time from the Commerce Clause, but not specifically spelled out in the Constitution (Mulligan 2016). President James Madison recognized that debate and therefore sought a constitutional amendment in conjunction with a proposal to fund roads and related infrastructure improvements across the states in 1816 (Williamson 2012, 2). An appropriations bill was passed by Congress in 1817 honoring Madison's funding

---

<sup>9</sup> The Agricultural Adjustment Act of 1933 is often considered to the first major farm bill. However, farm policy goes back to the beginning of the republic, to include agriculture related tariffs, the Homestead Act, and the creation of an Agriculture Department, among other farm policies.

request but he vetoed it because the constitutional amendment was never adopted (Williamson 2012, 2). Yet, the spirit of Madison's effort persists.

On February 1, 2017, Chairman of the House Transportation and Infrastructure Committee, Bill Shuster remarked: "From the beginning of the very First Congress that authorized the first Federal lighthouses, to the Transcontinental Railroad, to the Panama Canal, to the Interstate Highway System, to the Nation's airports, the federal government has played a vital, Constitutional role in ensuring the American people and our economy are connected through infrastructure" (Committee on Transportation and Infrastructure 2017). The view of policymakers on the federal government funding surface transportation infrastructure obviously changed over time, yet a definitive link to constitutional authority, as sought by Madison, was never realized. At best, the constitutional authority referred to by Shuster extends from Article 1, Section 8, Clause 7, of the Constitution: "To establish Post Offices and post Roads." The latter, "post Roads" was used to justify federal highway funding in 1916 and 1921, though not without questions regarding its constitutionality (Dilger 2015, 5-7). That said, a more plausible constitutionally-based justification for federal funding of roads, specifically the Interstate Highway System, was borne in the requirement for the War Department to defend the nation in the post-World War II era (Williamson 2012, 7).

The Interstate Highway System project started in 1941 under Franklin D. Roosevelt with recommendations from the National Interregional Highway Committee (Williamson 2012, 7). It accelerated under President Dwight D. Eisenhower, who was recognized as, "instrumental in implementing the Interstate Highway System, adding a specific national defense dimension to the concept, among other things" (Williamson 2012, 7). Eisenhower, seasoned from his days as a commanding four-star general, was

savvy in the potential political momentum gained by securitizing a policy proposal in the eyes of Congress and the American people, especially apropos as the unease of the Cold War set in. As such, Ike's move provided a bipartisan rally point. It also provided justification that the Interstate Highway System provided for the common defense and thereby garnered the full weight of clear constitutional authority. Accordingly, on June 26, 1956, legislation that "changed the name of the Interstate System to reflect its importance to national defense [to]: "The National System of Interstate and Defense Highways," passed 89-1 in the Senate and by voice vote in the House, (Highway History 2018). In the bill's passage, Eisenhower cleared the path for a policy proposal initiated over forty years prior, one which suffered political limbo until characterized to be a matter of defense policy (Williamson 2012, 7).<sup>10</sup> Ultimately, it was arguably its characterization as a defense policy issue that brought policymakers together on the legislation, their action legitimized by the Constitution; their unity, a response to the common obligation it charged.

### **Concluding thoughts: constitutional authority & collegiality in defense policy**

Historical records and personal accounts over time have demonstrated consistency in the notion that **members of Congress feel a greater obligation to collaborate on defense policy as an explicit constitutionally charged responsibility than on other policy issues lacking a specific Constitutional mandate.** All members and staff take an oath to uphold the Constitution. It is a shared institutional reference point regarding their duty to the nation. Article 1, Section 8, levies an additional and unique shared institutional obligation, especially felt by those who work on defense policy directly in

---

<sup>10</sup> An Interstate Highway System had been proposed in 1913 by the National Highway Association.

Congress. The weight of that specific constitutional directive is demonstrably recognized as a unifying factor across the institution, providing validity to the notion that defense policy formulation is uniquely collegial compared with other policy issues addressed by Congress. The quote on the plaque that hangs in the HASC hearing room not only serves as a reminder to testifying witnesses as to the constitutional obligations of Congress to defend of the nation, but equally to those who work within the institution itself. It is a unique, shared reference regarding duty to country and a reminder of the origins of that duty to HASC members and staff. That direct link from the Constitution to the Committee is not a characteristic shared by other committees (like the Agriculture or Transportation Committees) and that common link helps explain why defense policy is approached with more collegiality than other policy issues.

However, it does not completely explain the perceived collegial nature of defense policy formulation in Congress. Rather, it represents a part of a broader collection, a piece of the puzzle, as the 535 members of Congress are each incentivized by a different combination of individual motives. That rationale helps explain the purpose of this study examining institutional, domestic, and international political factors weighing on defense policy formulation. In doing so, it conceivably provides a more comprehensive picture of plausible drivers which motivate members to collaborate on defense policy. As such, the institutional influence represented by the constitutional charge of Article 1, Section 8, as examined in this section, should be considered in conjunction with the institutional influences of process examined previous section. It should also be considered in conjunction with those in ensuing sections, the next of which considers the influences of people on the collegial nature of discourse on defense policy in Congress.

## **Institutional Influence: Staff Organization & Operations**

Research conducted by social scientists regarding the role of congressional staff has revealed they have sincere influence on the legislative process and associated policies (Sidlow and Henschen 1985, 493). “As former Senator Dick Clark (D-Iowa), once said: ‘There is no question about our enormous dependency and their influence. In all legislation, they’re the ones that lay out the options’” (Malbin 1980, 5). In his book, *Unelected Representatives* Michael Malbin (1980, 5), concluded members of Congress simply do not have the time, nor the expertise to stay abreast of all the issues of the day and rely on staff heavily for both. Since that time, the movement and amount of information available has only accelerated (especially with the advent and proliferation of the internet), arguably increasing the complexity of policy issues and associated politics and ultimately driving members of Congress toward further reliance on staff.

Accordingly, the means by which a committee’s professional staff members (PSMs) conduct business plays a determinant role in the success and form of legislation and its policy outcomes (Sidlow and Henschen 1985, 485). Furthermore, according to research that compared several House committees by Edward I. Sidlow and Beth Henschen (1985), including the House Armed Services Committee (HASC), the internal operations of committees often translates to notable differences in their respective staffs. In that vein, Patterson (1970, 31) categorized the Armed Services Committee staff as “nonpartisan,” along with Munger and Fenno (1962, 106-136) and Green and Rosenthal (1963 65-66). It also echoes Malbin’s (1981, 163) conclusion that it is a mistake to think all committee staffs are the same, only bolstering the notion that the HASC staff is unique, and thus a vital component of the virtually unprecedented success the National Defense Authorization Act (NDAA) has enjoyed over the past fifty-plus years. Based on



that premise, the following hypothesis was derived to further explain the uniquely collegial nature of defense policy formulation in Congress: **The House Armed Services Committee (HASC) staff is organized, “housed,” and operate in a manner more conducive to bipartisan collaboration than other committees in the House of Representatives (House), like the Agriculture or Transportation Committees staffs.**

The test for this hypothesis was qualitative in nature. It consisted of comparing committee staffs by posing the questions similar to the following via series of over twenty interactive interviews conducted with current and former staff and members of Congress, along with other public policy professionals and academics: Does the minority and majority staff schedule and take meetings together with representatives of the department they provide authorizations and oversight for (e.g. HASC and DOD)? Does the minority and majority staff share office space, or is it separate? Does the committee staff draft provisions of the main recurring authorizing legislation (like the NDAA) as a collaborative effort between majority and minority staffs? Answers were primarily derived from interviews, as described above, in addition to accounts from existing scholarship, congressional records, and press media.

Ultimately, the HASC staff’s organization, in conjunction with how they are “housed” in their respective office spaces, combined with their methods of operation and culture, are cumulatively influential in creating a uniquely collegial atmosphere when compared with the staff of other House committees like the House Transportation and Agriculture Committees. While other committee staffs shared some of those attributes, they did not seem to be collectively present nor as consistent as with the HASC, nor did they seem to garner the same robust and overt support by committee leadership from both sides of the aisle over time. As a result, the HASC staff environment has provided a

unique culture over the years wherein policy deliberations on the NDAA (among other pieces of defense legislation) usually transcend politics and resulted in truly bipartisan legislation. As one former HASC deputy staff director put it: “HASC staff is the last bastion of committee bipartisanship on the Hill” (January 31, 2018).

### **Staff organization**

The hierarchical structure of the HASC, the House Transportation Committee, and the Agriculture (Ag) Committee are roughly similar and congruent to the way most other House committee staffs are organized, tailored to the needs of the respective committee. Each committee usually has a staff director or chief of staff, a deputy staff director and or chief or general counsel, additional counsels, a parliamentarian, clerks, PSMs, an office manager, staff assistants and interns (Congressional Institute 2007). Nonpolitical staff usually include office managers and others tasked with strictly administrative duties, to include clerks and information technology professionals. Although, the long-time legislative director of a senior House member of the Appropriations Committee noted that over his twenty years of service in both chambers, even the traditionally apolitical positions are now politically tainted (February 1, 2018). He specifically mentioned the Appropriations Committee used to share clerks between the minority and majority staffs, which is no longer the case. At the other end of the spectrum resides staffers focused on outreach, communications, and coalitions building—all carrying a political slant. Subcommittee staff directors are usually designated by the Chairman from the pool of more experienced staffers (PSMs, counsels, etc.), with the policy portfolios of the various PSMs generally falling under the umbrella of one of those subcommittees (though, not exclusively) (Patterson 1970, 31). Finally, “In general, committee staffs are older, more experienced, and more highly paid than personal

staffs...” (Joint Committee on the Organization of Congress 1993). Additional interviews largely validated that HASC PSMs followed the trend of being older and more experienced among the broader congressional staff population, also distinguished by their notable longevity with the committee, among other things. A long-time Ag policy lobbyist and former Ag Committee staffer observed of her former committee staff:

Many have worked together for decades and there is less turnover than many other committees. The GOP-set term limits for chairmen has impacted it some, but not to the extent of other committees. Many PSMs have worked together for decades and are friends. Big committee staff changes are rare in the House and therefore cooperation across aisle is easier because trust and longevity is well established (Interview, January 11, 2018).

Another seasoned deputy staff director for a senior member of the Senate leadership characterized the endurance of professional staff in more polarized terms: “The ‘swamp’ *is* the long-term staffers and their longevity,” viewing it as a primary source of partisan gridlock on Capitol Hill (Interview, February 7, 2018). Generally, the attributes listed above are where similarities between the committees’ staff organizations end and differentiation leading to the unique collegial nature of the HASC begins. As such, defense committee staff was generally regarded by interviewees and in congressional records in a somewhat different light, their longevity often deemed as key to fostering a collegial atmosphere that ensured success of the NDAA, every year for over five decades straight.

One of the most visible reasons longevity of HASC staffers has been complementary to a more collegial policymaking environment, is rooted in the clear dedication committee leadership, from both sides of the aisle, have demonstrated to the preservation of that longevity and to its conjoined collegiality over time. According to one former HASC PSM-turned Congressional Research Service (CRS) researcher, only

changes to “political staff” occurred when HASC leadership changed, to include communications and outreach staff, while process and substance subject matter experts stayed on (Interview, January 31, 2018). On the other hand, she observed, other committees flushed out their staff when the chairmen turned over, and further mused:

The continuity of the PSMs on the HASC is invaluable to the process and institution of the HASC – staff tend to stay on when the Chair and RM change out. Most other committees have PSMs apply and interview again to keep their jobs, not HASC. The longevity makes an invaluable difference to members. Staff is not subject to turnover, though portfolios may shuffle—they are considered experts and nonpartisan and therefore stay (Interview, January 31, 2018).

A former legislative director with almost twenty years of experience working on defense policy issues for several different members of the HASC in their personal offices corroborated: “Some PSMs transition back and forth between parties to stay with the HASC and continue working on the same portfolio when majority changes hands” (Interview, January 26, 2018). Such is an established practice documented over time by social scientists (Patterson 1970, 31). Along those lines, another former HASC staffer, who went on to be an Army Department political appointee, attributed his good fortune of being the very last of the staffers hired the year he started, to the leadership’s expectation for longevity and nonpartisan decorum from the staff (Interview, January 31, 2018). That staffer was hired as an act of comity to incoming Chairman Floyd Spence (R-SC), by HASC Ranking Member (transitioning from his tenure as Chairman) Ron Dellums (D-CA), when Dellums offered a minority staff billet for the staffer to fill even though he was a Republican. That staffer also recalled one of the first directives the whole HASC staff received from the newly appointed Chairman was to continue carrying out the guidance Dellums had provided the staff when he was chairman: It was their role to “serve all members” regardless of party or majority/minority; the staff worked for the

entire committee and all members should expect access to all of the staff and all staff were expected to provide counsel of all members, regardless of party affiliation (Interview, January 31, 2018). Dellums' direction was in contravention to the trend toward deeper partisanship as noted by interviewees, a trend that has only continued, though guidance like his was previously more the norm as recognized by social scientists (Patterson 1970, 33-34). Such loyalty to assuring staff longevity coupled with blatant direction by leadership against partisan bias, continued the HASC's tradition of fostering of a collegial, bipartisan environment. It also solidified its unique nature among House committees and helps explain the success of the NDAA (and defense policy formulation, more broadly) in Congress.

The loyalty of HASC leadership to the preservation of a collegial committee environment enhanced by a seasoned staff also became evident in the rhetoric they used in public hearings, not just limited to actions associated with the hiring and direction of staff (the behind-the-scenes details of which would likely otherwise go unnoticed by casual observers). In other words, not only did HASC leadership act behind semi-closed doors to facilitate staff longevity and collegiality, they reinforced their actions vocally in public fora (which could have an element of political risk). A strong testament to that end was made by Congressman Spence in his first committee organizational meeting as HASC Chairman on January 10, 1995:

[L]et me also make a personal comment about this committee and its tradition. Very few people realize that we are the only major committee of Congress that does not have a formally split partisan staff. As a Member who has spent more than 20 years serving on the Minority Side of this committee, I can attest to the desirability and effectiveness of maintaining a core, nonpartisan staff to help all of us meet our responsibilities.

This unique staffing arrangement has allowed us to maintain one of the smallest committee staffs relative to the size of the committee and to our vast budget oversight and jurisdictional responsibilities of any House committee.

I have assured Mr. Dellums that this is one tradition I am committed to maintaining. There will be times when partisanship is unavoidable.... Nonetheless, despite the ebb and flow of partisanship in this committee's deliberations over the years, I never believed it in our best interests to succumb to the temptation to split the staff.

We now have a smaller staff with even more responsibility.... Access to the staff and its expertise is one tradition that I am committed to maintaining in the years ahead.

Such overt loyalty to the HASC staff organization as vocalized by Chairman Spence was particularly noteworthy at the time. Control of the Congress had just been won for the first time in over 40 years by Republicans in a sweeping election led by Newt Gingrich, guided by the ideology of his "Contract with America" (Dionne, Ornstein and Mann 2017). Gingrich, used the "Contract" to help demonize the Washington political establishment, later cited by political scientists like Norm Ornstein and Thomas Mann, along with E.J. Dionne, Jr. (2017) as the origin of the ultra-partisan gridlock Congress characterized by today. Thus, efforts to preserve the HASC staff organization, its differentiated committee character, and nonpartisan ethos was no small feat, as inferred by the additional remarks by the Chairman that day:

...I, with a number of my colleagues, were able to ultimately convince our leadership that we should not be compelled to move to a pure partisan staff simply because we were different. Assuming Majority status has not changed my belief that a core bipartisan staff is still the most effective way for this committee to operate.

...over all the years I have been here in the Minority and as a Minority, we...have always arrived at the conclusion that the kind of staff we have on this committee is the best way to serve as a Minority and Majority.

Collectively taken with other accounts, the presentation by Congressman Spence helps further delineate the unique nature of the HASC staff organization and character

compared to that of other committees. And, those factors help explain why defense policy formulation in Congress is recognized for its uniquely collegial nature.

### **Office Space, Cyberspace and Travel Space**

Staff longevity, organizational structure, and consistent loyalty by committee leadership to maintenance of a core of nonpartisan staff are additive to an enduring foundation of collegiality in defense policy formulation. However, the very practical matter of the office spaces within which the staff is “housed,” and how they interact within those spaces is also a contributor to the collaborative atmosphere of the HASC. One CRS scholar who worked on or around Capitol Hill since 1968, a former PSM, counselor to multiple congressional reorganization efforts, and prolific author on legislative process as corollary to adjunct professorial duties, observed in an interview that, “[HASC] offices are not separated like on other committees,” which was a “tremendous factor” in the staff working together (November 3, 2017). Another CRS researcher with extensive academic and practical experience focused congressional budget process and reform, reinforced that view. While he noted easy accessibility between colleagues in their workspaces cultivated bipartisan cooperation, he also shared concern that, “HASC staff separated [minority and majority] from shared office space only recently,” and “it used to be closer to a SASC (Senate Armed Services Committee) set-up,” which is integrated (December 4, 2017). The deputy chief of staff to a senior Senator echoed: “Appropriators are even under siege these days. There is divisiveness where there was not previously, just over ten years later. Staff was not previously separated but now is with Foreign Relations and the Intelligence Committee too” (Interview, February 7, 2018). Ultimately, there was consensus that shared, open office space had made a noticeable difference in HASC (and the SASC) facilitating collegiality

in the NDAA policy formulation process over time.

While concern was expressed about the ramifications of the move by the HASC to separate the minority and majority staff office spaces, its impact has been limited if measured by the committee's ability to since pass the NDAA with robust bipartisan support. Over time, collaboration has been the steady byproduct of proximity and open access. One former HASC staffer, who served as the deputy staff director during the mid-1990's, recalled:

Staff to staff conversations, substantive discussions over concerns were brought to each other as the issues were mulled over; majority would go to their minority counterparts in their 'space' [office, etc.] and discuss issues openly. It brought a humanness to the institution that was critically important. There is no 'policy fermentation' when the majority and minority staff are separated. HASC writes the [NDAA] bill together, majority and minority and is therefore seen as a fair process; disagreement is dealt with immediately and without prejudice (Interview, January 31, 2018).

Another former HASC PSM-turned CRS employee recalled that the collaborative environment enjoyed in the physical HASC committee office spaces also extended into cyberspace:

The [NDAA] bill was built with total transparency. Minority and majority staff had access to the same database. We could see each other's work on the bill as it was built and would negotiate and discuss throughout the process. It was cordial and collaborative; trust and transparency were vital (Interview, January 31, 2018).

The commonality of that practice—sharing bill data and draft provisions freely among committee staff—was polled in subsequent interview and informal conversations with former staffers. Responses were relatively clear: such liberally shared access by minority and majority staff was unique to the HASC's NDAA process. Anecdotally, it was completely foreign to the manner in which other committees operated, or would even consider operating, in light of overshadowing partisan biases. Ultimately, the shared cyber-space between minority and majority staff, on HASC's signature annual



authorization bill—the NDAA—was another committee discriminator, one that promoted collegiality in the process of policy formulation.

One last “space” frequently referenced as instrumental in the cultivation of collegiality among staff dealing with defense issues was the “travel space” shared by MLAs and PSMs on CODEL (congressional delegation) and STAFDEL (staff delegation) factfinding trips. While personal and professional staffers of other committees also traveled on factfinding forays, Armed Services Committee related travel took members and staff on extended trips around the globe. The trips were often to austere locations which included warzones with ample transit time to get to know each other in the “travel spaces,” an opportunity rarely possible on Capitol Hill. One former staffer who had worked with Senator Joe Lieberman on defense issues recalled of her STAFDEL/CODEL experiences: “Having dinner and spending a lot of time with people from across the aisle made them harder to demonize” (Interview, December 14, 2017). Another long-serving legislative director for a senior House member mused that CODELs/STAFDELS helped him meet others from across the aisle who he likely would have not otherwise met and to “humanize” them because, “you just don’t talk politics and learn to get along,” on the trips (Interview, February 1, 2018).

Even if warzones were avoided on a stateside trip, staffers were often exposed to unifying issues based on life and death consequences which included interactions with service members who were about to deploy or just returned from warzone deployments. One former HASC staffer recalled seeking out junior enlisted military members with his colleagues from across the aisle to gain “real frontline feedback” not otherwise exposed to congressional oversight (Interview, January 31, 2018). Staff (along with members) then had opportunities to contemplate such information together (as well as on other very

serious defense policy issues) in the physical and time “travel spaces” between destinations. Interviewees recalled the shared transit time as a factor in driving bipartisan collaboration where it may have not otherwise blossomed, either on an issue immediately at hand or one down the road. Along those lines, a former defense staffer for Senator Joe Lieberman reflected:

Unity came from urgency to help solve real problems that servicemembers were facing in wartime. Deployed sexual trauma and assault problems in DoD were revealed to staffers on STAFDEL/CODELs – PTSD proper treatment was provided in a bipartisan fashion, as a result.

Joint expertise and interests on certain topics brought people together, mental health issues for example. Staff discovered soldiers were not being screened properly before being redeployed to Iraq and Afghanistan. The issue drove Democrats and Republicans together in investigating/oversight and finding a solution that worked (Interview, December 14, 2017).

In another case, despite his relative inexperience, one MLA serving with a member in his first term assigned to the HASC, provided an insightful view as to the comprehensive value CODELs and STAFDELs brought to “a bipartisan experience,” working on defense policy. “Interactions between members and staff on CODELs help build trusting relationships,” he recalled from a trip to Afghanistan, “the benefits of [those] relationships are transferrable to areas other than national security and HASC” (Interview, February 1, 2018). Put in the broader context of institutional norms and constraints members of Congress wrestle with, he also reflected that CODELs provide members with opportunities for exposure to different policy and ideological perspectives than those prevalent in their home districts. “Not spending time in DC makes it easier to be hyper-partisan because you do not have good opportunities to get to know the other side,” he concluded, validating the value of the time and physical travel space members spent on CODELs in breeding bipartisan collaboration.

Ultimately, the temporal and physical travel spaces shared while traveling, coupled with the substance of the issues exposed on the trips, led to unified problem solving on tough policy issues by HASC professional staff, members, and MLAs. Such was different than staff visiting a farm bureau meeting in the Midwest, or a laboratory that helped develop genetically modified food crops, as with the Ag Committee, or visiting the site of a proposed highway bypass considered for federal funding by Transportation Committee staffers. Shared travel time and space helped transcend political biases and institutional mechanisms that usually overshadowed interaction on the Hill. Those factors transferred to facilitating better bipartisan discourse on the NDAA and other policy matters and again set the HASC apart in its policy work and environment when compared with other House committees.

### **Additional Staff Operations**

The open manner in which the HASC's professional staff helps drive the committee's policy agenda is actively coordinated with the Chairman, Ranking Member, and rank-and-file, providing for additional collaborative opportunities between the majority and minority. One might assume such practice is commonplace in the House, as reflected in scholarship (Patterson 1970, 29-30). However, some interviewees revealed otherwise, as with one long-time House staffer who noted, "Parochial interests of members are often muted or completely nixed by long-time PSMs who are often the continuity with regard to policy [sic]" (January 26, 2018). While the HASC was not recognized as immune to such dalliances by its professional staff, its approach instead was generally regarded as wholly different, largely driven by robust inclusion of personal staff throughout the entire legislative process, with the NDAA.

In particular, the interaction between the HASC staff and military legislative

assistants (MLAs) serving in the personal offices of HASC members seemed more robust with the HASC's legislative process than with other committees. One former senior HASC PSM recalled an "underlying culture surrounding the HASC," when it came to interaction between MLAs/personal staffers and the committee staff, one that encouraged "inclusiveness, colleagues-all, to solve common problems" (Interview, January 31, 2018). He continued, "In the House this is an asset because it sets precursors to helping the members they work for, setting up member discussions on issues prior to their meetings" (January 31, 2018). He further recalled the particular importance of MLA-PSM dialogue in enabling members to get agenda priorities integrated into the NDAA at the subcommittee level—a vital step in the NDAA process (as detailed in the "Bill Creation and Consideration" section of this paper) (January 31, 2018). The inclusiveness extended across the aisle, which further validated the uniqueness of the interaction. During the same interview, the former HASC PSM recalled MLAs and professional staff working together, party aside, to get members onboard with an issue:

Inclusiveness of MLAs was very important on both sides of the aisle in working out issues with members. Often when majority staff would want to approach a minority member on an issue they would approach the minority member's MLA first, and the minority staffer would ask to see the member first to set them at ease with the majority PSM approaching the issue with the member. They worked as a team to get issues addressed (January 31, 2018).

He also recalled (as did several others interviewed) that majority and minority staffs were almost always in the room together for meetings with MLAs, by rare exception, to prepare for committee hearings or to provide informational briefings on a defense-related issue. They all discussed the issues together, to include possible snags to expect due to political, regional, or other differences.

Conversely, interviewees generally contended that the professional staff of other

committees, like Ag and Transportation, tended to communicate more directly with the members, often bypassing personal policy staffers along the way. Additionally, joint majority-minority meetings held with committee and personal staff were deemed rare, and usually held separately. At best, both sides might meet together briefly to discuss the basics of a markup or other hearing, but then would split up to discuss the meat of the issues at hand, again a vast departure from the way the HASC operated. The practice of other committees having those deeper discussions separately allotted less opportunity for staff-level discourse on the issues that might preempt misunderstanding or politicization of bill provisions and for those staffers to build collegial relationships and trust across the aisle.

### **Culture**

The cumulative product of the institutional factors outlined in this section comprise a “culture” shared by defense policy staffers—a notion pervasive among those interviewed and evident in congressional records and in scholastic observations over time. Accordingly, that culture can help explain the unique collegiality of defense policy formulation in Congress, and more specifically in the annual NDAA deliberation process.

The culture, by one MLA’s account, a six-NDAA cycle veteran,<sup>11</sup> is characterized by “believers” and “optimists,” who feel a “duty to doing a good job, to ensure good policy for the people comes to fruition” (December 16, 2018). Limited parallels to the MLA’s observation were described in interviews by staffers experienced in policy areas other than defense, though routinely caveated. One former House Agriculture Committee staffer-turned lobbyist reflected:

---

<sup>11</sup> The number of times a staffer served through a NDAA legislative cycle represents a cultural badge of honor of sorts among defense committee staffers and MLAs on the Hill.

Ag is a historically congenial committee, staff and members know each other well and that has paid off in the past. It is the result of the neighborly nature of the Midwest and South, and because most members and staff are from rural areas with shared values and views on the world despite their party. It was a fun committee to work with. [But,] as Congress changed and became more partisan, so did the Ag Committee (January 11, 2018).

The increased partisanship on the Ag Committee she described was evident in the veto by President George W. Bush of the 2008 Farm Bill, sent to him by a Democrat-controlled Congress (CQ Almanac 2008). Furthermore, the 2014 Farm Bill took two years to pass, derailed by deep partisan arguments over federal spending on food stamps stirred up among Ag Committee members and which spilled over into broader partisan spats in Congress (Heiligenstein 2014). Similar decay has yet to substantively transgress HASC's culture enough to derail the NDAA's annual passage. Though, the bill was not immune to being held hostage to political divisiveness, as in 2015 when President Barack Obama vetoed the FY2016 NDAA for domestic political purposes (Johnson 2015).

Further insights provided in interviews also supported the notion defense committee culture plays a key role in keeping defense policy formulation above partisan fray. One former deputy staff director of the HASC noted, "HASC staff and members came from all over the country and all walks of life to work on a single unifying purpose that serves the nation...[it] was a 'better place' to be on the Hill" (Interview, Jan 31, 2018). "Not a partisan feeling at all," quipped another House staffer with considerable defense policy experience, when asked of the HASC's culture (February 1, 2018). A CRS researcher who had worked defense issues as a staffer primarily on the Senate-side, recalled those characteristics were pervasive to defense committee culture on both sides of the Hill, "there was comradery, it was routine and expected" (Interview, December 14, 2018). In deeper reflection, she shared:

The people that worked on defense issues, PSMs, MLAs, and members alike were all concerned about the well-being of servicemembers and it was unifying. It was about the health of the military, not just resources but about the right kind of resources, the types needed to be ready to defend the country. The people were motivated by it, to get it right (Interview, December 14, 2018).

What asked about contemplated origins of the uniquely collegial culture of the culture of the defense policy community, many interviewees attributed it, in part, to a common experience members and staff had from prior military service.

According to those interviewed, many of the staffers working for the Armed Services Committees were military veterans or had military experience of some sort and were therefore already socially predisposed toward working together for a common purpose, differentiating them from the staffs of other committees. Some staffers even served as drilling reservists during their tenure on the Hill, both recognized by interviewees as differentiators among the makeup of committee staffs. One former legislative fellow recalled from her experience: “Part of the passion for the mission and dedication emanated from the fact that many of the staffers and members were veterans. It was more than a job for many of them, it was patriotism, an imperative. It was seen as an important way for them to contribute and give to society” (Interview, December 14, 2017). Of the staffers with military experiences, many were noted to be retirees of a full, twenty-plus year military career as a relatively senior officer (lieutenant colonel or colonel) or senior non-commissioned officer before working on the Hill. It was further observed, that with that experience came intimate first-hand knowledge of policy issues the HASC had jurisdiction over, along with the contextual knowledge of those issues at a level exceptionally rare for staffers serving anywhere on Capitol Hill. In that light, one former HASC PSM remarked:

They understood the programs and knew the questions to ask after years of experience with systems and programs being supported. That kind of expertise is not resident elsewhere on the Hill and would take years to replicate in a manner sufficiently transparent and which vets the issues properly with the department that it would support (Interview, January 31, 2018).

While practitioners-turned-policymakers are not completely unheard of on Capitol Hill, many congressional staffers, “grew up” in the law or policy realm or viewed their staff job as a stepping stone to another opportunity (Henschen and Sidlow 1986, 706-707). Consequently, while well-educated, their experience was often honed in a more classic sense, via academic study with limited on-the-job training (Malbin 1981, 175-176). This was in contrast with retired military officers who lived through an entire 20-year career steeped in practical experience dealing with issues they were charged with making policy for in their second career as defense staffers.

A distinct and immediate comradery was therefore recognized as shared among military veterans who transitioned to work on the defense committee staffs, one that emanated from a common ethos and culture along with other experiences unique to the profession of arms. The effect of that connection was also recognized and influential on members seeking counsel on a policy direction, especially among those who had also served in uniform. One former staffer who served with the HASC in the late 1990’s recalled: “Military veterans in Congress are good because they often provide and can share influential, well-rounded views and insight on defense issues that others may not have; they are respected and sought for their personal experiences in that regard” (Interview, January 31, 2017). Yet, another characterized the expertise of former military members working on committee staff as “esoteric,” their origins of a somewhat separated subculture of American society, though not in a necessarily negative sense (February 7, 2018). Ultimately, such recognition further validates the unique expertise enveloped in



the counsel provided by military veterans-turned congressional staffers. It also adds another facet to the collegial culture among those working on defense policy on the Hill, consequently evident in their deliberations and the consistent passage of the NDAA, year after year.

In conclusion, the House Armed Services Committee (HASC) staff is organized, “housed,” and operate in a manner more conducive to bipartisan collaboration than other committees in the House of Representatives. The unique attributes of shared travel space, office space, and cyberspace are all notable factors lending to a more collegial environment on the HASC. Those factors, coupled with the HASC staff’s organizational features, and in conjunction with their methods of operation and culture, are cumulatively influential in creating a uniquely collegial staff environment compared with those of other House committees. Perhaps most notable, while other committee staffs shared some of the cultural attributes evident with the HASC, they did not seem to be collectively present, nor as consistent. Information about the Agriculture and Transportation Committees indicated staff operations were largely a reflection of committee leadership desires in the moment, rather than being guided by an underlying culture carried over time. Finally, the leadership of other committees did not seem to foster the same robust and overt support for the policy pursuits of all its members, regardless of party affiliation, as with the HASC. Collectively, they are influences of the institution of Congress, influential on its processes and political character, and most notably evident in the stubbornly dependable annual passage of the NDAA.

### **Institutional Influences: People & Ideology**

Defense-related committees in Congress attract members of a certain ideological type over time, setting them categorically apart from others. Smith and Deering (1990,

133), for example, branded the views of members of the House Armed Services Committee (HASC) on defense matters, as “much more conservative than House Democrats and somewhat more conservative than the House as a whole.” Bolstering Smith and Deering’s conclusion, a prominent Washington D.C. think tank scholar and extensively published political scientist, observed: “Defense committees are different in the members they attract, they pull members of a certain disposition due to the substance (Interview, January 23, 2018). Additionally, according to Patricia Hurley (1989, 128), “Several scholars have presented findings which suggest that voting in both the House and Senate on all issues is motivated by the ideological preferences (liberal or conservative) of the members. Research based on interview data as well as roll call votes in 1971, 1972, and 1975 suggests that this is a reasonable way to think about congressional voting alliances.” In concert, accounts like those presented by Smith and Deering (1990) and Hurley (1989), among others, inspired the underlying question addressed in this section: Are defense committee members and their leadership more predisposed toward collegial behavior in formulating defense policy because they share certain ideological characteristics?

In light of the underlying question and given the overall hypothesis of this study the following two sub-hypotheses were derived and tested:

**1. The ideological dispositions of HASC members are expected to be closer aligned than that of other House Committees like the Agriculture Committee and the Transportation and Infrastructure Committee during the case study periods in question.;**

**2. HASC Chairmen and Ranking Members are expected to be more ideologically aligned with their fellow committee members as compared with the**

**leadership of other House Committees, like the Agriculture Committee or Transportation Committee.**

The second sub-hypothesis was derived and tested specifically to compare ideological dispositions of committee leadership based on the assumption that the ideological character of the leadership weighs on the overall collegial nature of their respective committees. Furthermore, both hypotheses were approached under the assumption that the membership of House committees represent a spectrum of political ideologies not necessarily aligned with political party membership nor specifically reliant on political pressures emanating from the parochial interests of members' districts (jobs, industry, geography, local economy, etc.)—the influence of which are examined further in the chapter on domestic political influences.

The research presented in this section was also conducted to provide a coherent comparative baseline of the ideological characters of House committee membership and leaders over time. Qualitative and quantitative assessments were used to compare and examine the HASC and House Agriculture and Transportation Committees specifically, with detailed attention (though, not exclusively) paid to the time periods associated with the case studies explored in Chapters 5 and 6: 1960 to 1965, 1994 to 1999, and 2007 to 2012.

This section provides analyses and discussions organized into three subsections. The first subsection builds on information first introduced in the literature review found in Chapter 2. More specifically, it explores what researchers have concluded in the past regarding the ideological disposition of defense committee members and leaders and how those dispositions relate to the overall perceived collegial nature of institutional processes within Congress. The second subsection presents an array of experiences and

conclusions conveyed via interview by former congressional staff, members, scholars, think tank representatives, and others closely associated with the legislative process, their personal reflections dating from as early as 1968. The third subsection presents a quantitatively-based comparative analysis derived from the ideological categorization of policymakers and their leaders assigned to the HASC, the Agriculture, Transportation, Ways and Means and Rules Committees, and based on members' voting records.

The overall assumption which drove the analyses presented in this section was: If the preponderance of HASC members are ideologically aligned as compared to other House committees, a more fertile foundation exists for collaboration and cooperation on the HASC. If the assumption is true, it can help explain why scholars and others have historically highlighted defense policy formulation as uniquely collegial.

### **People & Ideology I: Existing Scholarship**

The literature reviewed in Chapter 2 provided limited insight as to what past research revealed regarding how member ideology might translate to collegial behavior and influence on policy formulation in Congress. Therefore, to broaden the aperture, this subsection builds on a summarized recount of the research and findings of Chapter 2 with additional analyses from pertinent scholarship and references. From an academic perspective, there is a solid theoretical basis to support the premise that collegial collaboration in defense policy formulation is fostered in part by ideologically based factors which also help define the institutional character of Congress. Therefore, relevant theoretical frameworks are reviewed first in the ensuing paragraphs followed by an examination of notable thematic tendencies found in the literature. Together they help define the relationships between the ideological nature of committee members and leaders and the collegial behavior so often observed in the defense-related legislative

process.

Richard F. Fenno (1973, 278) found there to be two types of committees in Congress, a theoretical framework which helps provide a basis for understanding institutional influences driving collegial behavior in Congress. Of the two committee types, the HASC is justifiably categorized by the “orientation of its decision rules, the autonomy of its decision-making processes, its emphasis on committee expertise, its success on the House floor, its members’ sense of group identity, and the relatively higher ratio of member to non-member satisfaction with its performance” (Fenno 1973, 278). Smith and Deering (1990, 170) proposed somewhat of a parallel-minded “autonomous committees perspective” in which, “members of each committee determine policy within their jurisdiction, irrespective of the policy preferences of the parent chamber and parties.” While Smith and Deering’s definition arguably fits a characterization of the HASC more precisely than Fenno’s, their conclusion was diminished by a caveat they applied to their proposal. The caveat explained that there were few, if any, instances of pure committee autonomy in the House, along with the following observation:

...those members whose constituencies care most about the jurisdiction of a committee are assigned to a committee and dominate its decisions...and members not assigned to the committee defer to the committee when the legislation comes to the floor, primarily because there is little political incentive to take an interest in the legislation. Therefore, in this view, policy is a product of the preferences of committee members and their constituencies, and reflects their biases. (Smith and Deering 1990, 170)

While Smith and Deering’s caveated conclusion somewhat reflects characteristics of the HASC, their definition is debatably a better characterization of authorizing committees in Congress overall, to include the Agriculture and Transportation Committees. More specifically, Fenno’s definition better captured pertinent cultural characteristics of the

HASC lending to a collegial environment throughout the annual NDAA process. On the other hand, Smith and Deering's definition highlights a more transactional approach, one focused on individual agendas and which tends to characterize most other authorizing committees in general in how they approach major legislation like the Farm and Highway Bills. Ultimately, while the framework proposed by Fenno is subtly different than Smith and Deering's, there is enough distinction between the two to delineate a foundational difference in how committees approach and process jurisdictional legislation which can then be translated into a characterization of the collegial nature of those committees.

Theoretical frameworks like Fenno's and Smith and Deering's provide a contextual basis for making conclusions from existing scholarship, linking ideological disposition to cooperation on policy formulation as a defining institutional characteristic of Congress. Accordingly, scholars have highlighted certain thematic tendencies to help explain why defense policy formulation is so often perceived as more collegial than other issue areas. Those thematic tendencies are further distilled into three areas of categorical consequence and predicate to the exploration of insights gleaned from interviews with current and former policy practitioners.

First of the thematic conclusions discussed here is that ideology provides a basis for unity when it comes down to how policymakers make decisions on defense and foreign policy related issues. Recalling references from Chapter 2, Rundquist and Carsey (2002) provided a summary view: "Several scholars have argued that ideology is significant for explaining legislative behavior regarding defense policy (e.g. Moyer 1973; Lindsay 1991a)." The conclusions of Abdolali and Ward (1999, 229) reinforced Rundquist and Carsey and found that conservative policymakers generally supported higher levels of additional defense spending, much as Fleisher 1985; Lindsay 1990;

1991b; Poole and Daniels 1985 found. Rundquist and Carsey (2002, 53, 59) also concluded ideology correlates more strongly with voting on defense policy than other issues that may benefit the constituencies of members, and that the HASC was an “ideological outlier” that attracted more hawkish members from both sides of the aisle. Similarly, when Abdolali and Ward (1999, 236) challenged the assumption that defense committees draw disproportionately from conservative members, as cited by Shepsle 1978; Krehbiel 1990; Cox and McCubbins 1993, they ultimately agreed with Krehbiel (1990), that the HASC was a “preferential outlier” when it came conservatives or pro-defense members assigned to that committee. Also, very pertinent is the previously mentioned observation by Patricia Hurley (1989, 128) that, “voting in both the House and Senate on all issues is motivated by the ideological preferences (liberal or conservative) of the members.” Hurley’s conclusion, combined with that of Abdolali and Ward’s (1999, 245) that, “ideology is a strong predictor of defense voting, independent of party, presidential party, or state military benefit,” together provide a foundation to assert that ideology is a broader unifying factor in defense policy formulation than partisan-based alliances in other policy issue areas. In other words, collaborative efforts on defense policy are not limited to coalitions of members solely from the Democratic or Republican conference. Rather they appeal to a broader combined audience with members from both sides of the aisle, of which ideology is one of many possible unifying factors.

The broader ideological appeal of defense policy, in part allowed by its ability to transcend partisan loyalties, is tangent to a second thematic point found in the literature: There is strength in the numbers convened in the name of ideological unity and substantive political capital to be gained and leveraged from that strength. Patricia Hurley (1989, 131) provided support for that premise: “Members of the House and

Senate are elected as individuals, but in Congress they function as members of groups. The most salient group is certainly the party, but members may find themselves pulled away from party and into alliances based on particular policy issues or ideological concerns.” Accordingly, ideologically based alliances within the defense committees and the broader House chamber have banded together over time on defense-related issues, often belying competing, politically driven interests in their wake.<sup>12</sup> Perhaps the most frequently cited example is the enduring cooperation between the Republican Conservative Coalition and Southern Democrats. The two groups banded efforts starting as early as the 1930’s, lasting through World War II, the Cold War, and up through the first few years of the 21<sup>st</sup> century. These “hawks” made for a historically formidable voting-block, used to see their agenda through and unified in sustained support for foreign and defense policy initiatives that benefitted the entire group and their constituencies (Rundquist and Carsey 2002, 16). Essentially, there was “safety” in pressing policy through via ideologically-aligned “numbers.”

A third significant theme addressed in the literature proposed that members of Congress have more political latitude to pursue defense policy goals based on personal ideology versus other policy areas. For example, Rundquist and Carsey (2002, 35) concluded that the unified ideological strength of the Southern Democrat-Conservative GOP alliance also provided members political top-cover to foray into bipartisan actions beyond those solely focused on benefitting their individual constituencies. The partnership was a stable and predictable means for members of Congress from both parties to pursue policy goals sometimes distant from the minds of their electorate with

---

<sup>12</sup> Other non-ideologically based reasons for congressional alliances on defense policy (geography, economy and industry, electorate, etc.) are discussed further in the chapter on domestic political influences.



little to no political consequence. Ripley and Lindsay (1993 243, 251) found much of the same; defense policy formulation is somewhat disconnected from the concerns of the electorate and therefore allowed political space for ideological convergence on policy not necessarily available elsewhere. Reelection considerations could therefore be conceivably less urgent in defense policy decision making calculus (Ripley and Lindsay 1993, 243, 251).

Finally, a brief recount of the literature focused on the influence of committee leadership on bipartisan collaboration is appropriate, especially in light of the hypotheses proposed earlier in this section. Smith and Deering (1990, 124-125) provided a fitting summarized account: “Constituency committee members who want to complement their chairs describe them as ‘consensus builders,’ ‘pragmatists,’ and permissive leaders, rather than as aggressive friends or foes.” They further noted “comity” as “stronger on constituency committees [like HASC and Ag] than elsewhere, and leaders are expected to reinforce these norms” (Smith and Deering 1990, 124). Taken together, existing research that examines the role of ideology in policy deliberation provides a compelling basis for explaining the uniquely collegial behavior observed in defense policy formulation, one reinforced by first-hand accounts from veterans of that process.

### **People & Ideology II: Interviews**

Interviews with former and current members of Congress, congressional staff, CRS researchers, lobbyists, and others from the policy community close to the legislative process were queried about how, in their experience, member ideology impacted the character and culture of committees and subsequently influenced collegiality in the policy formulation process. More narrowly, interviewees were asked about the influence of ideology on the perceived collegial nature of defense policy formulation. Respondents’

observations were categorically focused in four general areas: member ideology, bipartisanship, committee assignment and membership, and committee leadership.

In general, the influence of ideology on the policymaking process was framed in a somewhat pessimistic light by interviewees, a reflection of the steep polarization of the contemporary political environment. For example, one twenty-year veteran of the Hill reflected, “Both sides are held hostage by the extreme [ideologically-motivated] fringes of their party caucus” (Interview with congressional staffer, January 26, 2018). Ideology was proposed by another to be the driver of fundamental institutional change in the House: “Congress is transitioning to a more parliamentary model, coalitions are essential, voting-blocks have real power to contend with,” citing the “Freedom Caucus,” and the “Tuesday Group”<sup>13</sup> (Interview with former congressional staffer, January 29, 2018).

Conversely, the framing of ideological influences specific to defense policy formulation and the defense committees was relatively optimistic. For example, one retired committee staff director reflected: “[HASC] members were generally like-minded, which helped with getting along on policy. Conversely, committees like the Judiciary [Committee] were inherently partisan and members came ready to fight” (Interview, December 22, 2017). A CRS researcher echoed with, “The principal nature of many policy issues has been related to ideologies that drive a wedge, defense is not one of them” (Interview, December 4, 2017). Placing the issue in a broader socio-political context, a renowned political scientist and think tank scholar long-focused on congressional process and politics observed, “Partisanship today emanates from regional changes—homogeneous demographics and sorted ideologues...HASC is the exception of

---

<sup>13</sup> Traditionally, members of the House Freedom Caucus and the Congressional Tuesday Group Caucus (Congressional Member Organizations or “caucuses”) are ideologically conservative.

that in a lot of ways, transcendent due to patriotism, there is a different view of defense by members [of Congress]” (Interview, January 23, 2018).

“Bipartisanship” was used frequently when respondents categorized member behavior on defense policy matters. One MLA summarily concluded, “the premise is correct that the HASC and SASC are more bipartisan than other committees, as is the issue of defense policy itself” (Interview, December 1, 2017). Conversely, little reference was specifically made to “ideology,” which was instead used almost exclusively in the context of political gridlock and discord. While perhaps just a vernacular nuance, the discernment provides valuable insight as to the mindset of policymakers (and those who they work with) in approaching defense policy, much like the think tank scholar described as the “different view of defense,” above. Another think-tanker and previous Hill staffer, proposed the “tradition of bipartisanship” on the armed services committees originated in part from a sought after and shared “prestige” gained from directly supporting members of the U.S. military, a product, he claimed, of the military being one of the most popular and respected institutions in American society (Interview, January 29, 2018). Ag Committee members could arguably claim parallel prestige in supporting another historically iconic cultural institution in the American farmer. Yet, there are enduring ideologically based policy debates associated with the Farm Bill—like crop supports and food stamps—which debatably have no lasting equal in the NDAA. With few exceptions, equivalent ideological policy debates associated with the NDAA (like the repeal of the Don’t Ask Don’t Tell policy) are usually addressed and resolved in relatively short order, postponed, or dealt with in separate legislation to keep the bill moving toward passage (Shogan 2011, 25-26). Even less could be said for unity in championing the “freedom of the open road,” as in the Highway Bill, though the

concept is wholly American in its own right. Thus, one CRS researcher and former HASC Professional Staff Member (PSM) described the ideological and political environs of the committee as a “safe place for members to trust their colleagues unfounded elsewhere on the Hill or in their districts at home. They pretty much know with relative certainty they will not get attacked in HASC” (Interview, January 31, 2018). Her conclusion helps explain why another former HASC policy staffer and later staff director similarly observed, “People were attracted to the [Armed Services] Committee for substance and ideology,” which is an appropriate introduction for how interviewees described the makeup of the HASC membership and why they saw it in that light (Interview, December 22, 2017).

Members of Congress were said to be drawn to the HASC for a variety of reasons, also pulled or diverted by leadership for the assignment depending on the member. One younger MLA described the ideological pull to the HASC, which resonates with members who “care about something greater than themselves, national security issues,” and they “take that responsibility seriously” (Interview, February 1, 2018). The MLA’s sentiment was echoed by a well-experienced think tank scholar and defense policy counselor to generals and presidents: “The defense committees attract members who are serious about national security, not just about gathering pork. They think it is an obligation of Congress to ensure the security of the country” (Interview, January 23, 2018). Another senior aide to a member occupying a top leadership posts in Congress reflected, “Armed Services Committees tend to attract more hawkish, conservative members, especially the case during Vietnam; there was ideological cohesion and it is a self-perpetuating culture” (Interview, February 7, 2018).

One defense staffer, a twenty-year Hill veteran, reasoned the ideological thread

among HASC members and culture was the product of many military veterans drawn to serve, or to continue their service, as members and staff with the committee: “Members with prior military service on both sides of the aisle are able to come together because of their shared [military] service experiences...Post 9/11 veterans have a common platform; the bond among vets in Congress is notable” (Interview, January 26, 2018). She pondered the reason for the perceived collegial nature of the HASC as a correlation, “Perhaps its respect for each other, respect and decency as part of military culture, even if you do not agree on policy ideas?” (Interview, January 26, 2018). To make her point, she provided an example in the deliberation over the legislation which authorized the Global War on Terror memorial, the character of which, she emphasized, was unlikely to be mirrored in other circumstances. Though it fell under the jurisdiction of the Natural Resources Committee, the bill was jointly introduced by two HASC members, both military veterans of the campaign, Congressmen Mike Gallagher (R-WI) and Seth Moulton (D-MA). She recalled the legislation was supported via several “emotional floor speeches” by veterans from both sides of the aisle in a session she observed as “therapeutic” for those who had shared combat experience to unifying them during the debate (Interview, January 26, 2018). The staffer continued her assessment of HASC members, noting:

House leadership picks committee membership based on several factors, including prior military service, if members have bases or major manufacturers in their district, and if there are significant politically related defense issues to deal with. However, they might shy away from members who are more outspoken, like Tom Cotton, who was not assigned to HASC... (Interview, January 26, 2018).

In her elaboration, she essentially concluded Congressman Cotton had been too ideologically polarizing for House leadership to assign to the traditionally even-keeled HASC (Interview, January 26, 2018). Her sentiment was reflected in the views of

another former staffer who assessed the strategy of HASC assignments by House leadership: “Personnel is policy. People make a difference in the message sent by the policy path taken” (Interview, January 29, 2018). Ultimately, it was inferred that both parties assigned members to HASC who were unexpected to rock the ideological boat, a characterization which bled over to those chosen to be the committee’s leaders.

A highly experienced CRS researcher, extensively published in the science of congressional process, observed, “Those chosen to lead on the defense committees tend to be unifiers, attractive to House leadership,” reiterating the common conclusion that, “HASC attracts a certain kind of member” (Interview, November 3, 2017). Bolstering his point, a seasoned Hill staffer noted,

House leadership, the steering committee, does not tend to pick controversial figures for the Chair or Ranking Member on HASC. They like team players they can depend on to help get the agenda passed with an occasional ‘pass’ when required by constituent pressures to vote or act against the mainstream of the party. Chairmen must be ‘awake’ to mind the store. They need to know the issues well enough from an institutional and historical standpoint to avoid political pitfalls that can derail agreements or understandings with the other side on specific issues. [Former HASC Chairman ‘Buck’] McKeon was an [education] policy guy but picked as HASC Chair because of those reasons. (Interview, January 26, 2018).

Another former HASC PSM, turned CRS defense policy researcher corroborated:

“Leadership assigns Chairmen and Ranking Members that are relatively moderate and keep members out of the partisan muck; Skelton, McKeon, and Hunter were not political firebrands” (Interview, January 31, 2018). The assessment of another former HASC policy staffer, who served with the committee during the 1990’s, built on the previously inferred link between the HASC’s ideological culture and a membership rife with military veterans: “Leadership and people make a difference. Much of the committee and the Congress at the time [1990’s] consisted of World War II vets. Many changed from

Democrat to Republican and vice versa” (Interview, December 22, 2017). The result was ideological tempering of the committee’s environment by its leaders, ingrained in the culture and replicated over time. The former policy staffer recalled an episode when his Republican boss tried to advance an ideologically touchy legislative proposal past the GOP Chairman, Floyd Spence (who had rejected it), by trying to take advantage of the collegial atmosphere and appealing to the Ranking Member, Sonny Montgomery, to get the provision pushed through. The member, still relatively new to the committee, was unaware of how strong the friendship was between Spence and Montgomery, both World War II veterans, and their staunch, joint dedication to keeping the committee above the fray of such political gamesmanship. The two shut the young member down along with his provision, “...they stuck together. The players and their backgrounds mattered, not necessarily their parties” (Interview, December 22, 2017). Ultimately, there was relative consensus. The keepers of defense policy formulation in the House fostered a culture on both sides of the aisle that insulated the HASC and the issues it addressed from ideological hijacking, a virtual stand-alone feature when compared with the characteristics of its counterpart House committees.

### **People & Ideology III: Quantitative Analysis**

Quantitative analysis was also conducted to examine how the ideological makeup of the HASC membership over time related to its collegial nature as compared with other House committees. Ideological baselines for five different House committees over three different time periods were derived quantitatively and compared using existing historical indices which categorized members of Congress by ideological persuasion based on past voting behavior.

Keith T. Poole’s and Howard Rosenthal’s (2007) Dynamic Weighted NOMINAL

Three-step Estimation (DW-NOMINATE) research was employed to build the ideological reference points for comparative analysis. Poole and Rosenthal's method, as presented in their Voteview website, "allows users to view every congressional roll call vote in American history...on a liberal-conservative ideological map including information about the ideological positions of voting Senators and Representatives" (University of California, Los Angeles, Department of Political Science and Social Science Computing [UCLA] n.d.). The website further explained Poole and Rosenthal's methodology:

Ideological positions are calculated using the **DW-NOMINATE** (**D**ynamic **W**eighted **NOMINAL** **T**hree-step **E**stimation). This procedure was developed by Poole and Rosenthal in the 1980s and is a "scaling procedure", representing legislators on a spatial map. In this sense, a spatial map is much like a road map--the closeness of two legislators on the map shows how similar their voting records are. Using this measure of distance, DW-NOMINATE is able to recover the "dimensions" that inform congressional voting behavior.

The primary dimension through most of American history has been "liberal" vs. "conservative" (also referred to as "left" vs. "right") (UCLA n.d.).

Given the discussion above, "Ideology Scores" derived from the DW-NOMINATE "primary" or "first" dimension for each committee member of the committees examined were gathered for comparison. An individual Ideology Score "estimate[s] a single ideal point for each member of Congress based upon his/her *entire record of service in Congress*" and range from -1 (most liberal) to 1 (most conservative) (UCLA n.d.). The method therefore conveniently represents the ideological character of members of Congress in a comparable continuum. That is, the scores reflecting the ideologies of legislators are comparable across time, making them useful for comparisons like those found in the case periods within this study (Bateman and Lipinski 2016, 147).

To provide a useful comparison, all the lists of the members of five different



House committees over nine numbered Congresses were collected and matched to individual DW-NOMINATE scores. Visual representations of the variable distributions are provided in Appendix 4.1. Summarily, all the variables were bimodally distributed with the exception of the Armed Services Committee and Agriculture Committees from 1961 to 1966.

Each of the three case study time periods covered a six-year span inclusive of three, two-year numbered Congresses: 87<sup>th</sup> – 89<sup>th</sup> Congress (1961-1966); 103<sup>rd</sup> – 105<sup>th</sup> Congress (1993-1998); 110<sup>th</sup> – 112<sup>th</sup> Congress (2007-2012). While DW-NOMINATE scores are independent of political party, it should be noted that Democrats controlled the House during the 87<sup>th</sup>-89<sup>th</sup> Congress, with majorities split in the other two periods (Democrats led the 103<sup>rd</sup>, 110<sup>th</sup> and 111<sup>th</sup> Congresses and Republicans the 104<sup>th</sup>, 105<sup>th</sup>, and 112<sup>th</sup>).

Committee assignment information was gathered from the Office of the House Historian's official website for the five committees, which included: 1. The Armed Services Committee (known as the National Security Committee in the 104<sup>th</sup> and 105<sup>th</sup> Congresses); 2. The Agriculture Committee; 3. The Transportation and Infrastructure Committee (known as the Public Works Committee for the 87<sup>th</sup>-89<sup>th</sup> Congresses); 4. The Rules Committee; and 5. The Ways and Means Committee. The membership lists of each committee type were then aggregated within their respective time periods for analysis. For example, the membership lists of the Armed Services Committee from the 87<sup>th</sup>, 88<sup>th</sup>, and 89<sup>th</sup> Congresses were compiled into one list (reoccurring members—those who served consecutively on a respective committee—were counted only once). The resulting list then represented the sample set for the Armed Services Committee for 1961 to 1966.

The latter two committees, Rules and Ways and Means, were added to provide a broader base for comparing the ideological character of the committees examined. More specifically, the two committees were assumed to provide contrast based on their institutional role (Rules) and substantive policy role (Ways and Means), historically characterized as venues which highlight ideological divides among members, yet still desirable for assignment because of their “prestige and influence” (Smith and Deering 1990, 86-90). The Rules Committee, for example, has been called the “Speaker’s Committee” because its members are essentially the majority party’s gatekeepers for legislation considered on the House floor—a task delegated by the Speaker and guided by his agenda. Accordingly, the Ways and Means Committee has jurisdiction over the nation’s tax code—how the federal government raises revenue—a politically divisive issue since the nation’s earliest days (see the Boston Tea Party) perhaps best demonstrated in the modern era by the thirty-year interim between the last two major federal tax code overhauls (1986 and 2017). Ultimately, the membership of the Rules and Ways and Means Committees were assumed to be more ideological divergent, contrasting with the ideological alignment expected of members of the Armed Services, Agriculture and Transportation Committees.

Sub-hypothesis #1 was tested first: **The ideological dispositions of members of HASC are expected to be closer aligned than that of other House Committees like the Agriculture Committee and the Transportation and Infrastructure Committee.**

The underlying rationale for the test was that if collegiality was truly greater among members of the HASC over time, it would be reflected in the ideological alignment of committee members, even when compared with other committees which have been characterized as having a relatively collegial nature. Results are presented in Table 4.1,

## Committee Membership Ideology.

Committees with the smallest standard deviations in Table 4.1 were assumed to have the most ideologically aligned memberships, as they were collectively closest to their respective ideological mean. Based on that criteria, the Armed Services Committee of 1961-1966 demonstrated the most ideologically aligned membership, even though it was most dispersed. The Agriculture and Public Works (Transportation) Committees were the next most ideologically aligned committees of that time period, roughly equal in that regard, with standard deviations of 0.30 and 0.31, respectively. Finally, as expected,

**Table 4.1 Committee Membership Ideology**

	Unit	Obs	Mean	Std Dev	Min	Max	Dem avg	GOP avg
<b><u>1961-1966 (87th - 89th Congress)</u></b>								
Agriculture Committee	-1 to 1	57	-0.09	0.30	-0.56	0.59	-0.29	0.26
Armed Services Committee	-1 to 1	57	-0.08	0.27	-0.52	0.80	-0.26	0.20
Public Works Committee	-1 to 1	59	-0.08	0.31	-0.50	0.54	-0.31	0.27
Rules Committee	-1 to 1	19	-0.06	0.36	-0.50	0.56	-0.39	0.28
Ways & Means	-1 to 1	38	-0.08	0.36	-0.49	0.63	-0.33	0.35
<b><u>1993-1998 (103rd - 105th Congress)</u></b>								
Agriculture Committee	-1 to 1	79	0.09	0.38	-0.56	0.86	-0.28	0.42
National Security Committee	-1 to 1	93	0.02	0.37	-0.64	0.71	-0.28	0.39
Transportation & Infrastructure Committee	-1 to 1	116	0.03	0.35	-0.65	0.60	-0.31	0.41
Rules Committee	-1 to 1	19	0.06	0.42	-0.55	0.56	-0.37	0.41
Ways & Means	-1 to 1	56	0.03	0.42	-0.67	0.79	-0.37	0.40
<b><u>2007-2012 (110th - 112th Congress)</u></b>								
Agriculture Committee	-1 to 1	85	0.11	0.37	-0.59	0.74	-0.24	0.46
Armed Services Committee	-1 to 1	98	0.06	0.37	-0.48	0.75	-0.28	0.42
Transportation & Infrastructure Committee	-1 to 1	110	0.07	0.39	-0.65	0.75	-0.31	0.41
Rules Committee	-1 to 1	21	0.02	0.48	-0.57	0.66	-0.41	0.65
Ways & Means	-1 to 1	51	-0.06	0.41	-0.67	0.56	-0.40	0.40

the Rules and Ways and Means Committees had the most ideologically maligned membership of the period, each with a 0.36 standard deviation.

For the period between 1993 and 1998, members of the Transportation Committee showed the most ideological alignment with a standard deviation of 0.35. Yet, members of the Agriculture and National Security (Armed Services) Committees membership for that period were not far off, with 0.38 and 0.37 standard deviations, respectively. In

subtle contrast, the Rules and Ways and Means Committees again were demonstrated to have the most ideologically maligned memberships of the period, each with a standard deviation of 0.42. The Ways and Means Committee had the greatest dispersion, followed closely by the Agriculture Committee.

Finally, for the period of 2007 to 2012, the memberships of the Armed Services Committee and the Agriculture Committee were shown to be most ideologically aligned of the five committees each with standard deviations of 0.37, while the Transportation Committee, with a 0.39 standard deviation, had the next most closely aligned membership even with the largest dispersion within the time period. Of the committees during 2007-2012 period, the Rules Committee showed the most ideological disparity among its members, with a standard deviation of 0.48.

While by no means definitive, one conclusion and two notable inferences could be feasibly drawn from the results. First, sub-hypothesis #1 was only supported by the results of the period between 1961 and 1966 and rejected for the two latter periods. Therefore, it was rejected overall for this particular quantitative test. However, the data did demonstrate relatively close ideological member alignment within and among the three primary subject committees of this study: HASC, Agriculture, and Transportation. **The shared nature of the three committees in that regard provides justification for their broader comparison in this study overall, as relative peers of ideological character within the House, a baseline that places the three committees on relatively equal footing for a more balanced comparative evaluation.** Finally, because the ideological characters of the Rules and Ways and Means Committee memberships were clearly more maligned over time compared with the three other committees, the underlying premise of sub-hypothesis #1 was arguably supported. In other words, it

could be inferred that closer ideological alignment within a committee is reflected in how a committee's subject jurisdiction is perceived to be approached, politically. That is, while further research is in order, defense (or agriculture or transportation) policy formulation is probably more collaborative than the work done by policymakers on tax policy; an idea further bolstered by the fact that the Ways and Means Committee and Rules Committees are traditionally assigned a much greater ratio of majority to minority members to "assure party control of committee decisions" (Smith and Deering 1990, 63).

Using the same data-set, sub-hypothesis #2 was tested next: **HASC Chairmen and Ranking Members are expected to be more ideologically aligned with their fellow committee members as compared with the leadership of other House Committees, like the Agriculture Committee or Transportation Committee.** The underlying rationale for the test was that if the policy formulation process of a committee is perceived to be more collegial than others, it might be explained, in part, by closer ideological ties between the committee leadership and its rank-and-file members. In other words, if committee leaders view certain policy issues through a political lens relatively similar to their committee colleagues, it might be easier for all of them to collaborate on those issues, especially if the leaders pursue a policy agenda complementary to the general ideological sway of the committee members. Results are presented in Table 4.2, Committee Leadership Ideology, below.

**Table 4.2 Committee Leadership Ideology**

	Committee	Leaders	Cmte v. Leaders	Overall Leader Scores		
	Mean Score	Mean Score	Difference	Min	Max	Difference
<b><u>1961-1966 (87th - 89th Congress)</u></b>						
Agriculture Committee	-0.09	0.06	0.15	-0.19	0.32	0.51
Armed Services Committee	-0.08	0.05	0.12	-0.21	0.30	0.51
Public Works Committee	-0.08	-0.09	0.01	-0.49	0.22	0.71
Rules Committee	-0.06	0.21	0.27	0.04	0.38	0.34
Ways & Means	-0.08	0.10	0.18	-0.24	0.33	0.57
<b><u>1993-1998 (103rd - 105th Congress)</u></b>						
Agriculture Committee	0.09	0.12	0.03	-0.26	0.42	0.66
National Security Committee	0.02	-0.08	0.10	-0.64	0.32	0.97
Transportation & Infrastructure Committee	0.03	-0.06	0.09	-0.55	0.42	0.97
Rules Committee	0.06	0.04	0.02	-0.42	0.49	0.91
Ways & Means	0.03	0.08	0.05	-0.51	0.50	1.01
<b><u>2007-2012 (110th - 112th Congress)</u></b>						
Agriculture Committee	0.11	0.13	0.02	-0.15	0.50	0.65
Armed Services Committee	0.06	0.11	0.05	-0.28	0.40	0.68
Transportation & Infrastructure Committee	0.07	-0.01	0.08	-0.55	0.45	1.00
Rules Committee	0.02	0.01	0.01	-0.47	0.48	0.95
Ways & Means	-0.06	-0.02	0.04	-0.51	0.39	0.90

The mean ideological scores of committee chairmen and ranking members were calculated and compared with the mean ideological scores of the overall committee memberships for each of the time periods examined. Presumably, the smallest difference between the means for each time period (“Cmte v. Leaders” column in Table 4.2) indicates which committee should expect to enjoy the most collegial interaction in formulating policy, and thereby help explain why the discourse on defense policy by the Armed Services Committee, for example, is perceived as characteristically more collegial than similar discourse on other committees.

With the above criteria employed, results indicated that the leadership of the Public Works (Transportation) Committee was aligned most closely, on average, with its rank-and-file members for the 1961-1966 period. Interestingly, that committee’s leadership also had the largest ideological score difference (0.71) between the leaders of that period. The Armed Services Committee garnered the next closest ideological alignment between the leadership and the overall committee membership, but it was

noticeably distant (0.12) from the Public Works Committee and closer to Agriculture (0.15) and the Ways and Means Committees (0.18). The Rules Committee appeared to have the most ideological distance between its leaders and rank-and-file members (0.27), much more distant than others of the same time period.

In contrast, the Rules Committee demonstrated the smallest difference in ideology (0.02) between committee leaders and members for the period 1993-1998. The Agriculture Committee (0.03) and the Ways and Means Committee (0.05) were the next closest aligned for the period, while the Armed Services Committee leadership indicated the farthest distance (0.10) in ideology between the overall membership and its leaders.

For the 2007-2012 time period, the results again indicated the Rules Committee leadership was most aligned (0.01) with its overall membership, while the Agriculture Committee was again the next closest with a difference of only 0.02. The Armed Services Committee shared the middle ground (0.05) with the Ways and Means Committee (0.04), while the Transportation Committee demonstrated the most ideological difference between its leaders and the overall membership for the period.

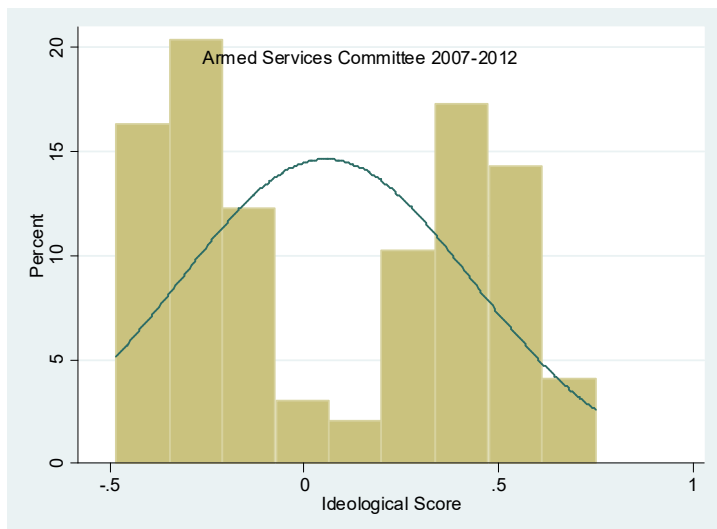
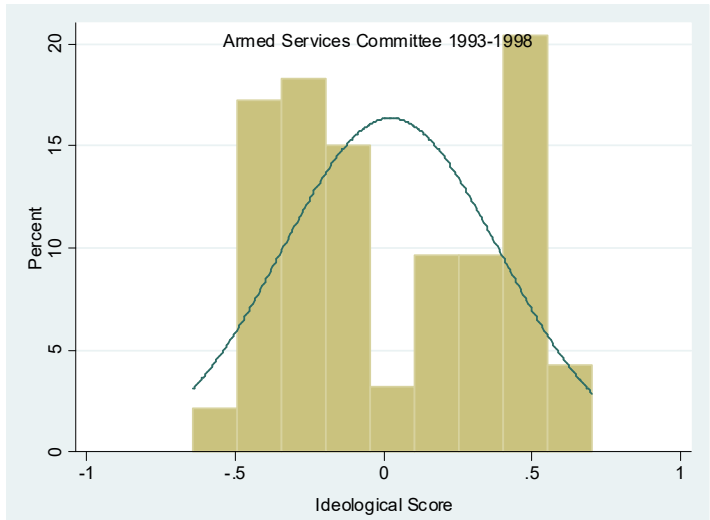
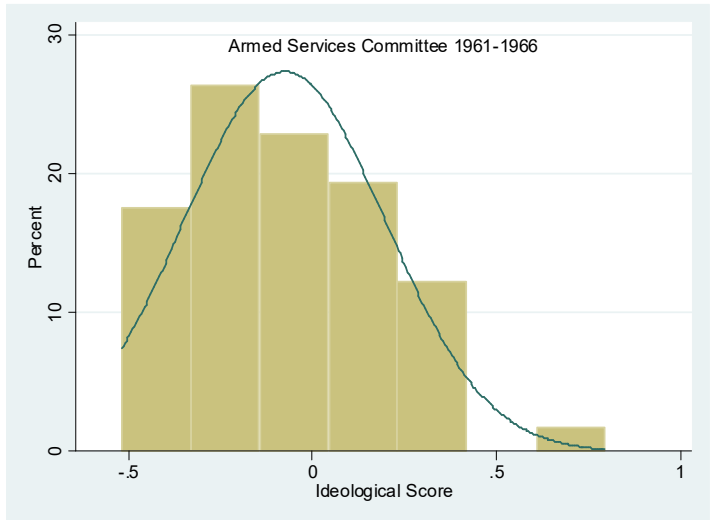
Given the data presented in Table 4.2 and the analytical criteria outlined above, sub-hypothesis #2 was rejected. While not wholly conclusive, the data as analyzed did not support the notion that the leaders and overall membership of the Armed Services Committee were more ideologically aligned than other committees. Therefore, in this case, based on the results, the perception that collegiality is more prolific on the Armed Service Committee could not necessarily be explained by demonstrated ideological alignment of committee leaders and overall committee membership.

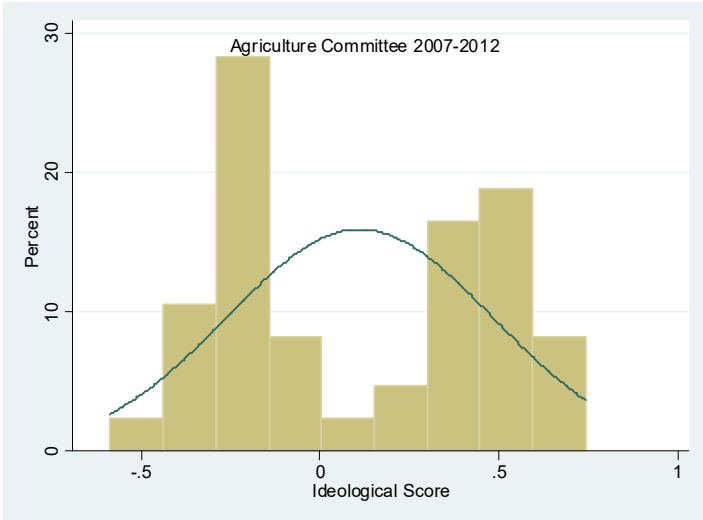
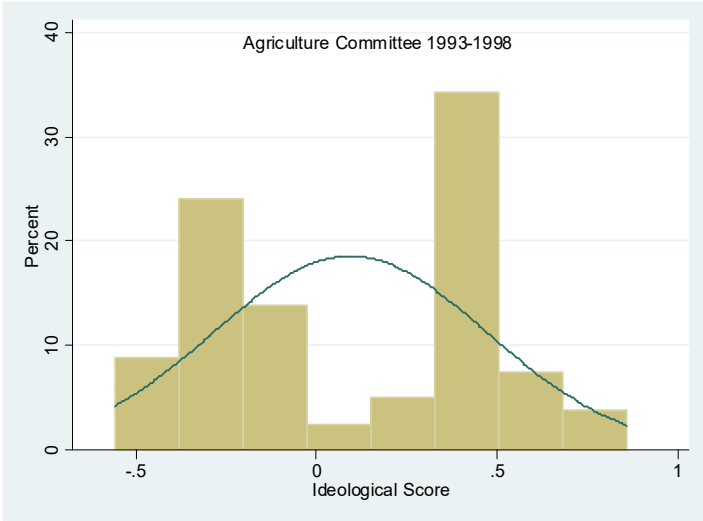
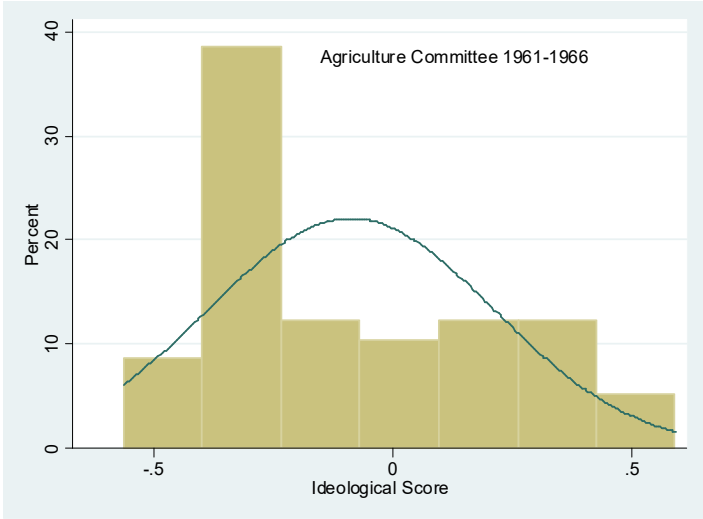
### **People & Ideology: Concluding Observation**

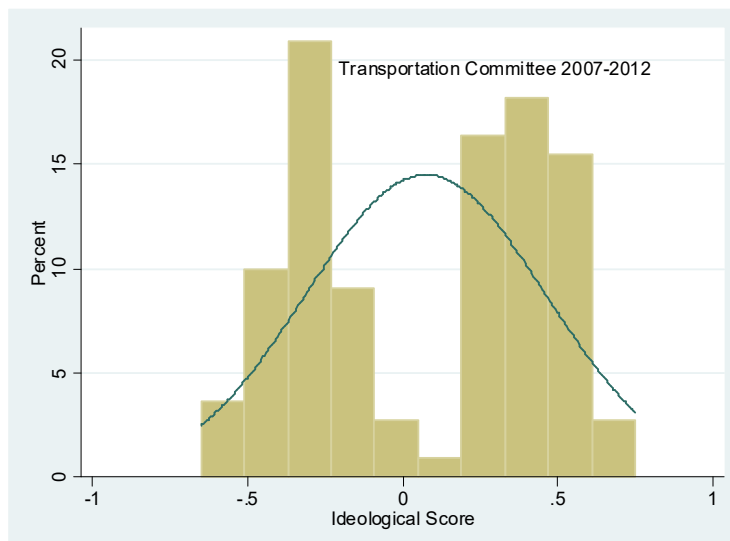
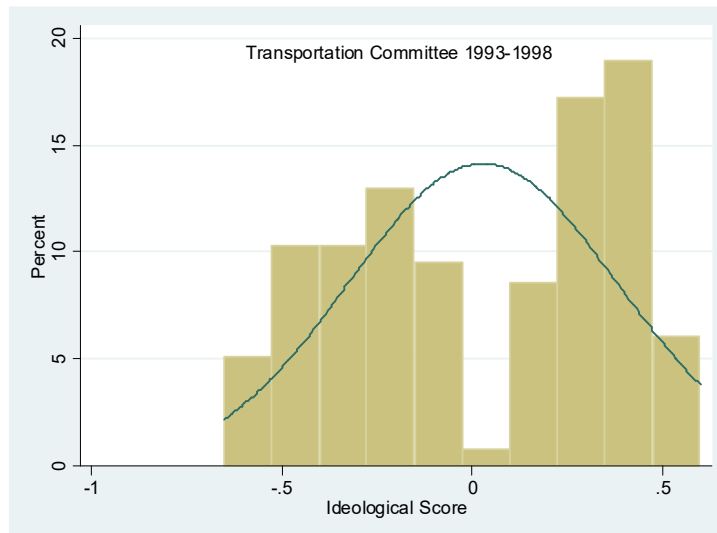
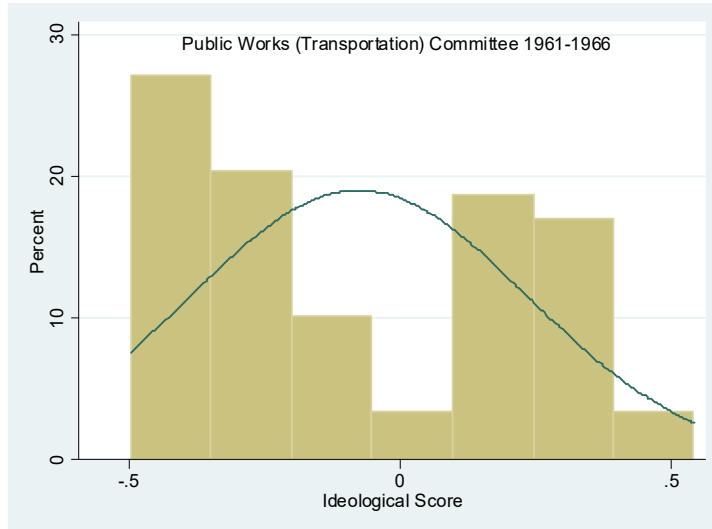
The relatively narrow quantitative analysis presented in this section rendered justification for a comparative baseline between the House Armed Services, Agriculture, and Transportation Committees, essentially marking them as relative ideological peers. In turn, that justification provided a more balanced evaluation platform used throughout this study. However, the quantitative analysis did not necessarily support the premise that ideological alignment among committee members charged with formulating defense policy could explain why that process has been characterized as more collegial compared with others over time. Conversely, there is a notable literature, complemented by a variety of personal accounts of well-experienced members of the policy community, that supports the notion that ideology is a factor in how policymakers approach defense policy formulation, and that their approach tends to be uniquely collaborative when compared with how policymakers approach other issues. Therefore, to help reconcile the disparity, the discussion and analysis in this section should be considered in conjunction with other potential explanations, as provided in this study, as to why defense policy formulation is often perceived as more collegial than other policy issue areas.

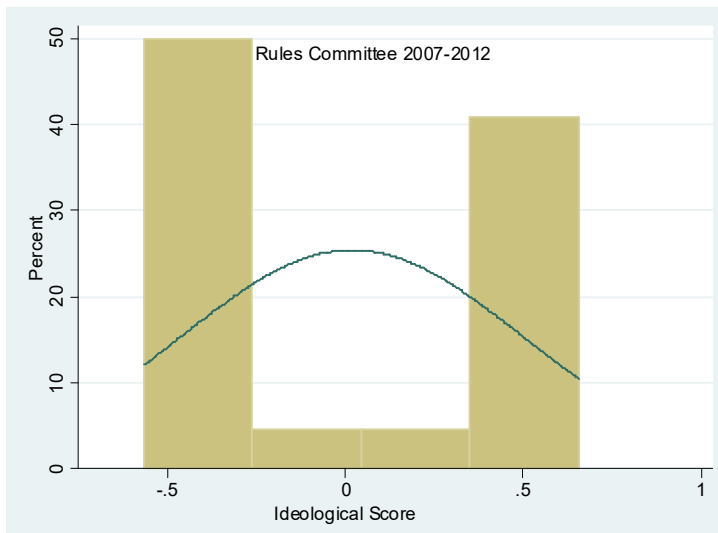
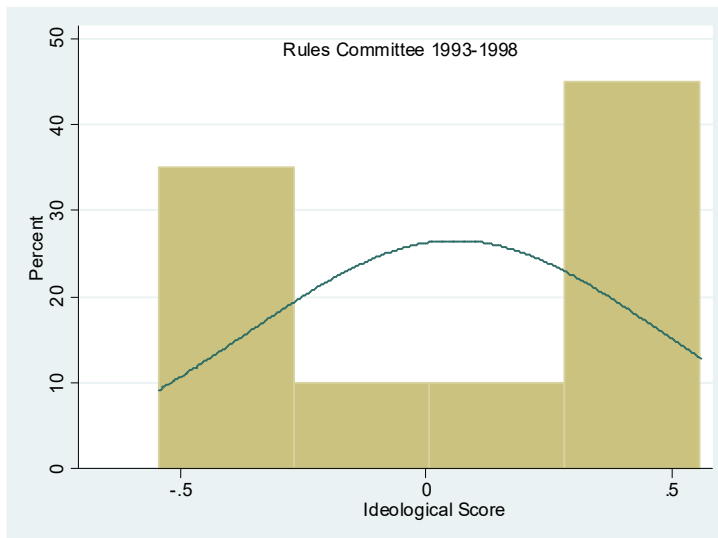


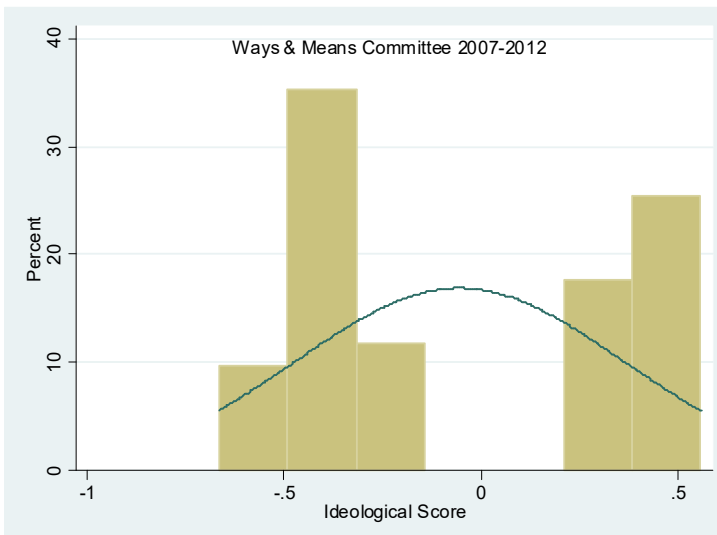
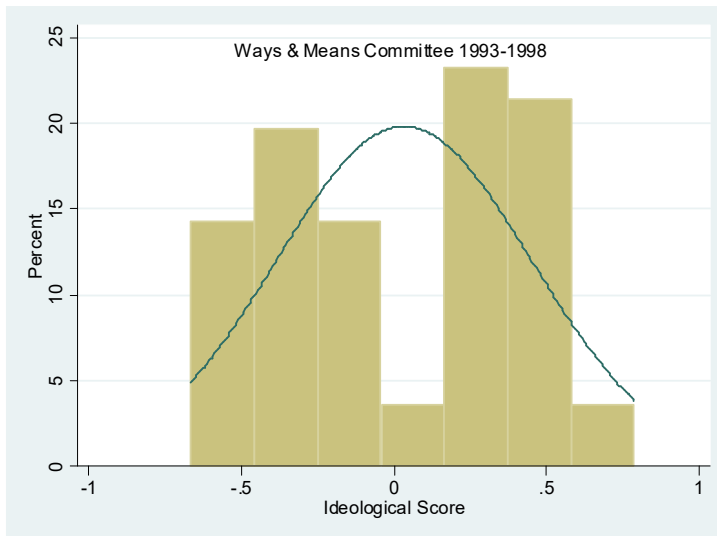
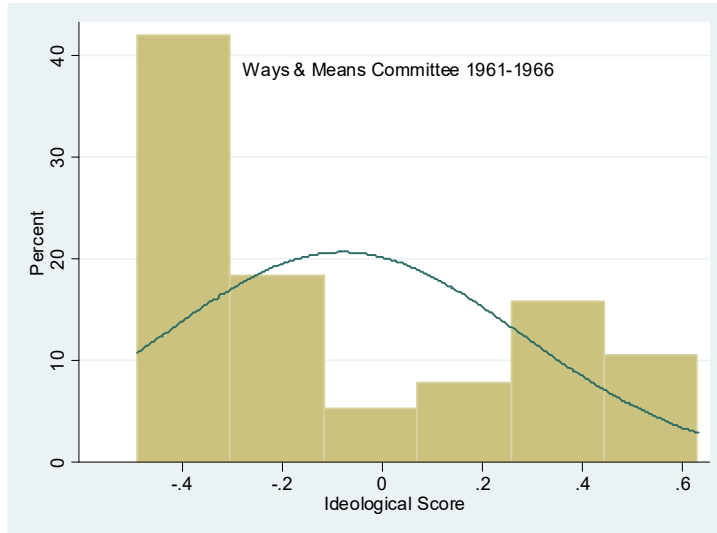
### Appendix 4.1 – Graphs: House Committee Ideological Distributions











## Chapter 5 - Domestic Influences: Case Studies

To paint a complete picture of the factors weighing on the perceived collegial nature of defense policy formulation over time—the crux of this study—it was essential to account for the influences from the domestic political environment. It was assumed certain pressures on the National Defense Authorization Act (NDAA) would be distinguishable from the Farm Bill and Highway Bill by virtue of the unique collegial approach defense deliberations evoke in policymakers. That assertion aligned analysis in this chapter with the overall hypothesis of this dissertation: **The formulation of defense policy in the U.S. House of Representatives is approached with more collegiality than other policy issue areas, mainly due to domestic, institutional, and international political pressures that transcend competing partisan motivations.** Ultimately, this chapter aims to reveal: 1. domestic political influences driving member expectations and decisions on how to political approach the NDAA process; 2. if member motivation to support the NDAA could be explained other than by principles of distributive politics; and, 3. if defense policy deliberations were notably different than other policy areas, like agriculture (Ag) or the transportation policy.

To maintain consistency across the study, the NDAA process in the House, led by the House Armed Services Committee (HASC), was used as the primary vehicle to examine domestic political influences on the collegiality of defense policy formulation. It was compared with similar processes within the House Ag Committee and Transportation and Infrastructure Committee to delineate what (and how) domestic political influences were weighed by policymakers in decisions to collaborate across the aisle on the Farm Bill and Highway Bill, respectively. Given significant domestic political influences exerted on the NDAA, the Farm Bill, and the Highway Bill have

frequently been explained via the lens of distributive political theory, the discussion and analysis began there. Following was the rationale which drove the derivation of the sub-hypothesis which helped guide the rest of the chapter: **Certain domestic political pressures are unique to defense policy formulation in Congress and render it more collegial than other policy issue areas.** The sub-hypothesis was then tested via a series of case studies which compared deliberations over the Farm Bill, the Highway Bill, and NDAA from 1961 to 1966, 1993 to 1998, and 2007 to 2012, in order to highlight domestic political influences that could be identified as factor in setting cooperation defense policy apart from the other two areas considered. It was apparent aspects of the domestic political environment from each period weighed on each of the bills and the matters that drove their central debates. Those matters were often overtaken by the influence of distributive politics with the exception of the NDAA of 1962, and 2011. Though, as expected, distributive politics appeared to rule how members politically approached bill deliberations, primarily motivated by opportunities to gain political capital or favor for their district than to realize sincerely substantive policy goals.

### **Distributive Politics in Context**

Members of Congress are highly focused on influencing legislation and policy that affect the well-being, (economic or otherwise) of their constituents, to include initiatives that impact jobs, private industry, and government benefits, among others. That focus is manifested in part by members maneuvering to secure federal dollars (pork) and policies beneficial to their constituencies in an effort to build political capital, essentially trust or favor built up with colleagues or constituents to be leveraged in future political efforts. Such behavior by policymakers is often categorized as “distributive politics” by social scientists. Representative examples of distributive political behavior

may be found then in deliberations over provisions of the Farm Bill, the Highway Bill, and the NDAA, as provisions of those bills authorize the appropriation of billions of federal tax dollars to fund programs, projects, and benefits at the local level, where constituents work, live, play, and—perhaps most important to policymakers—vote.

Accordingly, the divvying up of the federal budget to fund provisions of legislation like the Farm Bill, the Highway Bill, and the NDAA garner close attention by members of Congress. For most members, it is arguably the central focus of their duties on Capitol Hill, a direct correlation to their perceived performance as representatives of the electorate who sent them to Washington. Assuring the well-being of the electorate is then a predominate factor in making decisions on policy, as failure to take care of the district has consequences in elections. The case of former Congressman and House Majority Leader, Eric Cantor (R-VA), provides an example in point. Wasserman (2014) recalled Cantor, a rising GOP star presumably destined to be House Speaker, was shocked by losing an election blamed in part by the Congressman being disconnected from his constituents. Wasserman (2014) observed, “Voters don’t like to be taken for granted, and they need a little attention every now and then to know that their leaders, however powerful or high on the congressional leadership ladder, still ‘care about them.’ By nearly all accounts, Cantor blew the layup.” The dynamics of distributive politics then, was the basis for initially identifying domestic political pressures that weigh on policy deliberations.

Recalling the literature reviewed in Chapter 2, scholars have often framed deliberations over defense policy in Congress through the lens of distributive politics. Colleen Shogan (2011, 6), for example, concluded that the only truly exhaustive examination of how Congress produces defense policy was found in the literature of



distributive politics. Distributive aspects of the domestic political influences weighing on defense policy formulation have been described in a variety of ways, concepts further leveraged in this chapter. Mayhew (1974, 88) for example, pegged “universalism,” as a more nuanced version of distributive politics, a scenario in which essentially all members of Congress benefit from legislation or a policy regardless of rank or party. Along those lines, national security is a public good of universal benefit enabled by the NDAA and could help explain why bipartisan cooperation thrives in defense policy formulation. However, the interest of individual House members in the NDAA is not solely motivated by the security it provides, but in how security is enabled in the bill’s provisions.

Scholars portend members are primarily interested in legislation like the NDAA (and the Farm Bill and Highway Bill) because of the political benefits the bill affords them. Authorizing legislation like the NDAA allows members to build political capital with constituents because these authorizations fund jobs, services, infrastructure, and other benefits in members’ districts. Logrolling then, the swapping of political favors, is an immediately recognizable symptom of universalism in the NDAA process, as virtually all the players conceivably have some “skin in the game” and therefore an underlying incentive to negotiate to find middle ground and get the bill passed each year. Rundquist and Carsey (2002, 40) asserted the reward for those incentives can be strong enough to transcend committee and party loyalties and even trigger the swap of political favors in other policy areas, thereby influencing the dynamics of other committee proceedings or even floor action on a bill.

Consequently, the primary methods of discovery leading to the discussions in this chapter were largely based on the hypothesis that unity among policymakers during defense policy deliberations can be explained by the principles of distributive politics. In

other words, if observations by Shogan and like-minded colleagues hold, exceptionally collegial behavior witnessed among members of Congress deliberating on the NDAA each year could be attributed to the expectations members had to gain politically from the process.

### **Methodology**

In light of the primary hypothesis and the discussion above regarding the principles of distributive political theory and existing scholarship, factors were sought within the domestic political environment that distinguished defense policy formulation from that of agriculture or transportation policy. Once identified, it was assumed those factors could ultimately help explain why defense policy deliberations have been routinely recognized as more collegial in Congress over time. Accordingly, the Farm Bill, the Highway Bill, and the NDAA were assumed to be supported by members of Congress for their transactional value first, and secondarily for achieving a policy agenda. In other words, I hypothesized that a Representative's fundamental interests in the legislation was driven by the political capital expected to be gained from the provisions of each respective bill and how those provisions might benefit a member's constituency.

The question was then how to reveal other factors (distributive, or not) that distinguished the NDAA from the other two bills and which conceivably evoke more collaboration among policymakers. To evaluate those factors, I developed the following sub-hypothesis: **Certain domestic political pressures are unique to defense policy formulation in Congress and render it more collegial than other policy issue areas.** The sub-hypothesis was tested via a series of case studies which compared deliberations over the Farm Bill, the Highway Bill, and NDAA from 1961 to 1966, 1993 to 1998, and 2007 to 2012, a function of the rough comparative baseline established for those time

periods in the previous chapter.

The primary aim of each case study time period was to identify “**certain domestic political pressures**” that distinguished NDAA deliberations from that of the Farm Bill and Highway Bill and, in doing so, indicate possible causes of the collegiality uniquely attributed to defense policy formulation in Congress. Essentially, bills with a substance-based central debate topic (as opposed to ideologically-based or one dependent on distributive politics) and which garnered at least two-thirds of the final House vote were categorized as subject to “**certain domestic political pressures,**” explained further in ensuing paragraphs. To identify those certain domestic political pressures, the primary issue that fueled debate in each of the three bills for each of the three time periods was isolated using historical accounts from the congressional record, media, and interviews. It was expected, based on the discussion outlined earlier, that issues central to the primary debate on the bills would be best explained by distributive political theory. That is, bill debate was expected to mainly stem from how the resources authorized in the bill would be divvied up—who should expect to get what, translated to political capital gained by individual members. If the central debate was subjectively assessed as not primarily based on distributive politics, it was categorized as either ideologically based or substance based. If the central issue of debate on the bill was focused on a conventionally partisan issue and the final floor vote tally was essentially down party lines, it was categorized as ideological. If the central debate of the bill was determined to be focused on a substantive subject matter (an issue whose value is estimated to transcend mere potential distributive reward) with a notable mix of support in the floor vote tally from Democrats and Republicans it was subjectively assessed to be substance based. Bills with a substance based central debate topic and which garnered at least two-thirds of

the final House vote were categorized as subject to “certain domestic political pressures,” per the sub-hypothesis, and therefore more prone to collegial cooperation than the others. That is, because supermajority (two-thirds of the chamber) support of those bills was not shown to be based on ideology or distributive politics, it was assumed other elements or “pressures” brought members together to support it so strongly, and therefore made it more prone collaboration among members of Congress. It was expected the NDAA case subjects for each of the time periods examined would predominantly fall into this final category, more prone to collegial collaboration based on the anecdotal history of defense policy formulation in Congress. A summary of the subjective bill assessment criteria is found in Table 5.1.

Table 5.1 Summary Bill Assessment Criteria
<p>Was the bill's central debate primarily focused on:</p> <ol style="list-style-type: none"> <li>1. Distributive political motives? YES / NO?</li> <li>2. If #1 is "NO," then ideology? YES / NO?</li> <li>3. If #2 is "NO," then a substantive policy issue? YES / NO?</li> <li>4. If #3 was "YES," did bill garner <math>\geq 2/3</math> vote? YES / NO?</li> <li>5. If #4 is "YES," than bill considered more collegial.</li> </ol>

### **The Sixties: 1961-1966**

The period between 1961 and 1966, was an especially tumultuous time for the United States in domestic politics. Nonetheless, Congress passed landmark legislation like the Food Stamp Act and the Civil Rights Act, funded mass transit for the first time, and established the Peace Corps and the United States Agency for International Development (USAID) during that period (U.S. House of Representatives [House] 2018b). America’s involvement in Vietnam was in its initial stages and the failed invasion at the Bay of Pigs in Cuba challenged President John F. Kennedy’s early in his administration. Despite the domestic tumult, the young president inspired optimism

during his short tenure. Especially noteworthy was his “Special Message to Congress on Urgent National Needs,” delivered on May 25, 1961, in which he called on the country to place a man on the moon despite the darkest shadows of the Cold War looming (NASA 2004).

This decision demands a major national commitment of scientific and technical manpower, materiel and facilities, and the possibility of their diversion from other important activities where they are already thinly spread. It means a degree of dedication, organization and discipline which have not always characterized our research and development efforts. It means we cannot afford undue work stoppages, inflated costs of material or talent, wasteful interagency rivalries, or a high turnover of key personnel.

JFK’s words illuminate domestic political focus points of the time—security, responsible government spending and operation, pursuit of innovation and prosperity for the good for the nation—themes also reflected in deliberations over the Highway Bill, the Farm Bill, and the NDAA of 1962. Congress considered those bills during the 87<sup>th</sup> Congress (1961 to 1963), wherein the House had 437 Representatives, which included 264 Democrats and 173 Republicans (as of election day) (House 2018b).

### **Federalism: The Highway Bill of 1962**

H.R. 12135, the Highway Bill considered by the House in 1962, was arguably the clearest case (of the three bills examined in this period) of domestic distributive politics at work in the legislative process. Every state in the union benefitted from the federal dollars disbursed across the country to build the national interstate and defense highway system, providing an incentive for universal support by members of Congress to authorize funding in H.R. 12135 (CQ 1965, 736). Unity was solidified by the likes of testimony delivered by M. Clare Miller, president of the Associated General Contractors of America, who estimated legislation similar to H.R. 12135 would create jobs for 192,000 men (CQ 1962, 450). Others who testified also foresaw notable economic

growth resulting from the proposed legislation, states expected to benefit from provisions that directed the federal government to cooperate in long-term comprehensive highway and transportation plans aligned with overall metropolitan area (>50,000 people) development (CQ 1962, 451). Despite the relatively universal appeal of its over \$2.3 billion in authorizations, the bill did attract some controversy based on one of the most enduring debates of the republic.

The main debate in deliberations over H.R. 12135 was product of the federal system—the core of the argument a fundamental disagreement over the power of the respective states versus that of the federal government. Success of the interstate highway system depended upon the displacement of thousands of American families and businesses. Rex M. Whitton, the federal highway administrator with the Commerce Department, testified on April 17, 1962, that approximately 15,000 families and 1,500 businesses would have to move annually for the next six to eight years to ensure the government’s aggressive construction plan stayed on track at a cost of approximately \$50 million for compensation to those individuals (CQ 1962, 450). Given the possible political consequences, there was minimal debate over whether the financial burdens and hardships placed on citizens forced to move because of where the highways were built should be compensated. The controversy arose instead in the means by which H.R. 12135 proposed to dispense that compensation from the federal government to the states and onto displaced citizens.

Proposed language for the Highway Bill as drafted by the administration included a provision that directed the Secretary of Commerce to “require state highway departments to aid those displaced by acquisition or clearance of rights-of-way for federal aid highways,” and would authorize federal relocation aid of up to \$200 for families and

\$3,000 for businesses displaced by the highway construction (CQ 1962, 450). The bill reported from the Public Works Committee retained the relocation assistance clause and directed the Commerce Secretary to require “‘satisfactory assurance’ from a state highway department that a ‘feasible’ method” was in place to aid those displaced by the construction before projects were authorized to begin (CQ 1962, 450). Thirteen GOP members of the committee expressed opposition to the relocation assistance provision, claiming it gave unchecked power to the Secretary over states to set requirements for the relocation of people displaced by the construction (CQ 1962, 451). Opposition to the provision spilled over to the floor debate and quickly became the central point of contention, primarily down party lines. Some Republicans claimed the provision would make the Commerce Secretary a “dictator over local and state governments,” “put highway departments in the housing business,” and would allow those displaced to stop virtually any project by claiming alternative housing was unavailable (CQ 1962, 451). An amendment offered by John F. Baldwin (R-CA) provided a remedy by allowing states to retain discretion on methods of relocation, the proposal characterized by Congressman Ed Edmonson (D-OK), as “a vote of no confidence” in the Commerce Secretary and federal highway administrator (CQ 1962, 451). Nonetheless, the amendment passed by a roll call vote of 236-159, and the bill passed by voice vote, as amended, on July 18 (CQ 1962, 451). Of the “yea” votes, 77 came from mostly Southern Democrats, who joined the entire Republican Caucus to pass the amendment (University of California, Los Angeles, Department of Political Science and Social Science Computing [UCLA] n.d.).

Based on the fact H.R. 12135 authorized over \$2.3 billion dispersed across all fifty states (or, virtually all House districts), would fund many jobs, and potentially spur an unknown amount of economic growth for decades to come, it easily fell under the

auspices of distributive politics, and in particular, universalism. While the central debate over the Baldwin amendment was essentially ideological in nature and unsurprisingly brought the conservative Southern Democratic voting block to join with Republicans to pass it, the roll call was by no means close to a party line vote. Furthermore, the amended bill passed by voice vote, signaling the relocation issue was not important enough from an ideological standpoint to contest by the rest of the Democratic Caucus thereby provided implicit approval. Given the debate over the Baldwin amendment was essentially marginalized in the shadow of the distributive politics at play, the Highway Bill of 1962 did not subjectively meet the criteria that would render it especially prone to collegial consideration by members of Congress.

### **Feed Grain Controls: The Farm Bill of 1962**

The central debate of deliberations over H.R. 12391, the Food and Agriculture Act (Farm Bill) of 1962, focused on the Kennedy Administration's proposal to impart "permanent, mandatory production controls on feed grains" (CQ 1962, 94). Peripheral to the central debate were deliberations on a "permanent, mandatory production control program for dairy products" (not adopted); a permanent two-price system which would establish higher federal supports for wheat marketed for export or domestic human consumption than for wheat grown for animal feed; and, authorities to provide federal aid to farmers who voluntarily transitioned cropland from production to use for other means of revenue (recreation, etc.), the latter two adopted in the final bill (CQ 1962, 94).

The "most stringent" controls "in history" proposed by the Kennedy Administration on the "three major surplus commodity groups—feed grains, wheat and dairy products"—sidelined the first version of the bill despite the administration assurances that surplus controls would limit supply enough to keep prices (and thus



farmers' income) stable, and thereby undermine the need for heavy federal price supports (CQ 1962, 94). A variety of interest groups weighed-in on wheat and feed grain provisions as well as on dairy and other proposals with nuanced support and opposition depending on the provision, making the bill a clear vehicle of distributive politics (CQ 1962, 108-110). The initial version of the bill, H.R. 11222, was reported to the full House by the Ag Committee on May 16, 1962 and sent back on June 21, effectively killing it, with a vote by the full House of 215-205 (CQ 1962, 94). Opposition to H.R. 11222 was led by the American Farm Bureau Federation which leveraged a combination of ideological disdain for federal controls (primarily production controls on wheat and feed grains) with "regional economic rivalries" to entice almost all Republicans to vote against it along with a few Southern and Northern Democrats (CQ 1962, 96).

A new bill was introduced, H.R. 12391, almost identical to the original, but provisions that mandated production controls for feed grains were replaced with the extension of a temporary program already in place that provided federal compensation for farmers who voluntarily took feed grain acreage out of production (CQ 1962, 96). The only other change dropped the floor of corn price-supports from 65 to 50 percent of parity, a move that threatened farmers for the 1964 season unless Midwest "Corn Belt" Republicans accepted production controls in the 1963 session in exchange for raising the floor above 50 percent (CQ 1962, 97). The removal of the feed grain mandates was enough to get more Southern Democrats onboard with the new bill, and the conference report ultimately gathered enough support (despite only two Republicans voting for it) to secure passage in the House by a narrow vote of 202-197 (CQ 1962, 96).

Summarily, deliberations over the Farm Bill in the House in 1962 were not an especially collegial affair based on the central debate over feed grain production controls.

While overall deliberations were certainly characterized by distributive politics, most notably in how price supports and other aid would be doled out to farmers and other beneficiaries, one would be hard-pressed to categorize the legislation as an example of universalism as defined earlier in this chapter. The bill did not garner a significant backing (greater than two-thirds) by the House and its provisions pitted Democrats against themselves within Congress and against the Democratic administration while Republican support was all but absent for the final bill with the exceptions driven by distributive political pressures. While ideology was an influencing factor, regionalism, as a product of distributive politics played a more influential role in the central debate, both ultimately focused by the substantive issue of feed grain production controls. In conclusion, the Farm Bill of 1962 did not subjectively meet the criteria that would render it especially prone to collegial consideration by members of Congress.

### **Bombers or Missiles: The NDAA of 1962**

In 1962, the central debate over H.R. 9751, the bill that essentially served as the NDAA for fiscal year 1963, revolved around funding for the RS-70 manned bomber (Congressional Quarterly [CQ] 1962, 416). The crux of the debate was not focused internally to Congress. Rather, it represented a struggle between the power of the executive versus the legislative branches of government and their respective constitutional roles in preserving national security. The debate centered on whether to employ strategic missiles or manned bombers to deter Soviet aggression. Missiles were favored by the Kennedy administration (and Eisenhower's before it) primarily because of their low cost, a prime domestic political concern, while the Air Force (which employed both weapons) and Congress preferred the manned bomber because of its reliability, versatility, and proven record in combat (CQ 1962, 417).

In the bill, Congress authorized \$491 million above the \$171 million requested by the administration for the accelerated development of a “reconnaissance” and “strike” version (designated the RS-70) of the controversial high-speed, high altitude, B-70 bomber (CQ 1962, 416). The administration had only planned to buy three experimental aircraft despite the wishes of Congress and the Air Force for full production (CQ 1962, 416). Perhaps playing on the fears of the American people and their elected representatives, Air Force Chief of Staff, General Curtis E. LeMay, argued the plane’s full employment could make the difference between “winning or losing” in a conflict with the Soviets (CQ 1962, 417). The missiles versus bombers debate also carried over to the \$525 million the bill authorized to purchase additional B-52 bombers, funding also not requested by the administration (CQ 1962, 416). While its plausible distributive politics were at play—committee members advocating for extra funds to support bomber factory jobs in their districts—General LeMay’s large and hawkish personality, known well in political circles, enjoyed considerable sway and professional respect in Congress on the issue, especially considering his background as commander of Strategic Air Command which oversaw both the U.S. missile and bomber fleets. Additionally, in 1961 both the Senate Appropriations Committee and House Armed Services Committees (HASC) “made strong statements in favor of continuing the B-70 as a weapons system” (CQ 1962, 417). The HASC referenced two committee reports, from 1961 and 1962, which assessed bombers were “the one strategic weapon which has been tried and which works,” and concluded bombers were preferable to missiles for two primary reasons: versatility and reliability (CQ 1962, 417). Further minimizing the role of distributive politics, the \$514.5 million eventually appropriated for the B-52s was never actually spent (not a small sum to be ignored by members actively seeking distributive gains) and

production shut down due to the anticipation of the bombers' replacement by missiles (CQ 1962, 416). (Ironically, the B-52 still remains the backbone of the U.S. bomber fleet today, deep into the twenty-first century.)

During bill deliberations, it eventually became clear that the funds authorized to develop the RS-70 would not be used by the administration, the issue only to be “studied” instead (CQ 1962, 416). As a result, a report outlining the case for manned bombers by the House Armed Services Committee (HASC), cited “Executive disregard of Congressional will” as justification to insert bill language that “directed” the authorized funds be spent on the program by the Secretary of the Air Force (CQ 1962, 417). The report argued Article I, Section 8, of the Constitution placed the power to “raise and support armies” and govern their use with Congress and not the president (CQ 1962, 418). Consequently, citing duties outlined in Article II, Sections 2 and 3 of the Constitution, President Kennedy sent a letter to HASC Chairman, Carl Vinson (D-GA), requesting he change the language from the “directed” to “authorized” use of funds, in recognition of the “spirit of comity” between the branches (CQ 1962, 418). A sincere debate over constitutional responsibilities ensued, but Vinson earned the praise of his colleagues when he claimed the will of Congress had been heard in the drama and relented by offering an amendment, passed by voice, which removed the language (CQ 1962, 419)

Summarily, the central debate regarding the H.R. 9751's passage was based on substantive issues. Were missiles or bombers best to preserve national security and who ultimately had the constitutional authority—the executive or legislative branch—to make the decision? It is plausible distributive political pressures were at play, as certain members of Congress would benefit from constituent jobs created from the manufacture

and/or deployment of either system in their districts. However, the priority to protect the country and maintain comity between the branches outweighed any glaring distributive political pressures. This was perhaps best delineated in the HASC report which boldly stated, “it seems that our only knowledge of the actual workability of an ICBM [intercontinental ballistic missile] fired in anger is in textbooks and laboratories. The Committee is unwilling to place the safety of this country in a purely academic attitude, and for this reason has added to the authorization for bombers” (CQ 1962, 417). Adding to the veracity of their conclusion, the HASC report somewhat conceded to the administration’s contention that an overreliance on bombers came with notable vulnerabilities then used that rationale to justify funding efforts to improve bomber technology while also ensuring their survivability as a weapons system in the B-52 in the interim (CQ 1962, 417). The impact of ideology as a primary factor of domestic political influence was overridden too, as Democratic and Republican administrations both clashed with the Democrat-controlled Congress over the missile versus bombers question, not to mention a Democratic president faced off with a Democratic House on a serious question of constitutional authority. Ultimately, the bill passed with greater than two-thirds majority, 404-0, final roll-call vote on March 21, 1962 (CQ 1962, 416). Given the fact that the final vote count captured more than two-thirds of the House chamber and the central debate over H.R. 9750 was primarily focused on genuinely substantive issues, the bill could be subjectively considered as especially prone to collegial consideration by members of Congress.

### **The Nineties: 1993-1998**

The domestic political environment in the United States between 1993 and 1998 was framed by the election and impeachment of President William “Bill” Jefferson

Clinton and growing political polarization. The young Democrat and former governor of Arkansas beat incumbent Republican George H.W. Bush in what symbolized a generational transition of power from the “Greatest Generation” to the “Baby Boomers.” Not to be outdone, Newt Gingrich and his fellow Republicans, campaigning with their “Contract with America” agenda, swept the midterm elections in 1994, and took control of both the House and Senate for the first time in 40 years (House 2018c). Clashes between the White House and the Congress ensued and resulted in two government shutdowns, the product of gridlock on federal budget deliberation which followed Clinton’s successful veto of GOP spending and tax cuts (House 2018c).

Despite partisan challenges between the White House and Congress, several significant domestic policy successes marked the era, to include overhaul of the nation’s welfare system and substantial changes made to long-standing farm laws virtually untouched since the end of the Great Depression (House 2018c). While healthcare reform pressed by the administration flopped, domestic political influences were driven by the dot-com boom that fueled a healthy economy and the nation enjoyed a rare federal budget surplus. That surplus was partially enabled by the “peace dividend,” a series of dramatic cuts to defense spending, the arguable result of Americans feeling safer in a world without a peer competitor in the Soviet Union. It also set the stage to provide a better understanding for the political dynamics of defense policy formulation at a unique time of relative peace and prosperity and despite a split government. The period ended with the impeachment of President Clinton in 1998, which drove the tenor of much of the domestic political debate until he left office. Mindful of the historical context, deliberations over the Highway Bill of 1998 and the Farm Bill of 1996 were compared with deliberations over the 1997 NDAA to elucidate factors revealing whether defense

policy formulation is truly more collegial than what its counterpart issue areas enjoy.

### **The Highway Bill of 1998**

Much like the Highway Bill of 1962, deliberations over the Transportation Equity Act for the 21<sup>st</sup> Century (H.R.2400), considered by Congress in 1998, were manifestly characterized by distributive politics notably influenced by the domestic political climate. Part of that climate included House Transportation Committee Chairman, Bud Shuster (R-PA), getting the bill past deficit hawks who torpedoed his proposal the year prior to increase transportation funding by cutting other discretionary programs by a 214-216 vote (Congressional Quarterly [CQ] Staff 1998a). The central debate on H.R. 2400 was instigated by another Republican, Lindsey Graham of South Carolina. Graham, elected with the GOP wave of 1994, saw Shuster's bill as representative of the clash between "old-fashioned 'pork barrel' politics" and the fiscal restraint promised to the American people by the "Contract with America" (CQ Staff 1998b). As such, Graham offered an amendment to the \$219 billion bill that would have stripped the \$9 billion in member earmark requests to fund transportation projects throughout the country (CQ Staff 1998b).

Perhaps anticipating the battle based on the defeat of the previous year, Shuster leveraged projections of a likely budget surplus to fund the bill and offered new jobs and economic growth as the payoff (CQ Staff 1998b). To make the bill even more enticing, in a blatant example of universalism, the chairman offered all members an opportunity to earmark \$15 million each for their own project requests, an offer "tacitly supported by House leaders who hoped projects would help win elections" (CQ Staff 1998b). Further sweetening Shuster's offer was his assertion that H.R.2400 would create 6.6 million new jobs across the nation (Tully 1998). The response by his colleagues was dramatic,

demonstrated by the 1,850+ earmarked projects worth over \$20.5 billion incorporated in the final version of the bill (Tully 1998). Ironically, as pointed out by Shuster, even Graham had requested funding for projects in his district, though he later withdrew his request (CQ Staff 1998b).

In the end, Shuster's enticement campaign worked and Graham's amendment was defeated handily, by a bipartisan vote of 79-337 (CQ Staff 1998b). The House approved H.R. 2400 on April 1 by 337-80 and the conference report on May 22 by 297-86, the latter of which included a provision pressed by Shuster which mandated all federal gas tax revenues be spent on transportation (CQ Staff 1998a). While also critical of the cost and concept of all the earmarked projects, President Clinton reasoned the bill did "a lot more good than harm" and signed it into law (P.L. 105-178) on June 9, 1998 (CQ Staff 1998a).

Based on the assessment criteria presented earlier in the chapter, the Highway Bill of 1998 was clearly an example of distributive politics at work. Even the principles of the Graham Amendment, based on the "Contract with America" and which highlighted the GOP agenda, did not garner enough Republican unity to render a party-line vote and quantify the effort as an ideological imperative. It also did not help that Graham made earmark requests for his district in contravention to the premise of his own amendment and that the Democratic White House, while critical of all the earmarks in the bill, did not threaten to veto it. Ultimately, given the situation, one could justifiably conclude that the Highway Bill of 1998 was not especially prone to unique collegial consideration by members of Congress, rather simply a matter of divvying up public resources.



### **Move to Free Markets: 1996 Farm Bill**

In 1995, a proposal to adjust expiring farm laws, aligned with the goal of the GOP-controlled Congress to balance the budget, backfired when it was incorporated into a budget-reconciliation bill vetoed by President Clinton for proposed changes to Medicare and Medicaid entitlements, among other reasons (CQ 1996, 3-17). With only four months remaining to implement a remedy or revert back to the 1949 farm act, “which would triple government loan rates for some commodities and create upheaval in the commodity markets,” policymakers were spurred into action, also motivated by an impending economic crisis driven by severe drought on the Great Plains which resulted in low production and thus rapidly rising commodity prices (CQ 1996, 3-17). Commodity market prices were too high for the government to issue subsidies, but farmers needed the subsidies based on low crop yields and even faced repayment on advance subsidies based on lower than expected forecast commodity prices (CQ 1996, 3-17). It was a recipe for financial ruin for some farmers, including constituents of House Agriculture Committee Chairman, Pat Roberts (R-OK) (CQ 1996, 3-17). Additional economic and political pressures came from farmers not knowing what kind of seed and fertilizer to buy for the spring and potential commodity market turmoil if farm programs were not reauthorized before the winter wheat harvest (CQ1996, 3-17). While significant policy adjustments were considered unlikely during the election year (1996), the looming crisis provided domestic political space to for Roberts to introduce comprehensive farm law reform in his “Freedom to Farm” legislation (CQ 1996, 3-17).

The bill Chairman Roberts introduced, H.R. 2854, was fundamentally market focused, aimed at farmers producing based on demand and free of government supply controls—subsidies previously based on low market prices were traded for fixed,

declining federal payments irrespective of market prices (CQ 1996, 3-15). The legislation also lifted requirements for farmers to plant the same commodities each year, did not subsidize for idled land, and allowed for crop rotations responsive to prevailing market demands and weather conditions (CQ 1996, 3-15). While the American Farm Bureau Federation supported H.R. 2854 because of the high subsidies proposed for the first two years of the bill's enactment, alternatives from either side of the aisle challenged the bill and targeted various farm programs along the way (CQ 1996, 3-17). Major debates were primarily partisan or regionally-based, with Democrats focused on preserving a subsidy-based social safety net (especially for smaller farms), while a bipartisan group representing peanut and sugar growers from the south collaborated to counter consumer groups and manufacturers threatening price supports for the two commodities by way of a "coalition of free-market conservatives and urban liberals" (CQ 1996, 3-16). The southern coalition narrowly prevailed on behalf of both commodities and the bill passed on February 29, by a vote of 270-155 (CQ, 1996, 3-16).

On the surface, the crux of the debate over the 1996 Farm Bill seemed to be centered around a potentially formative shift to free market economics and away from a long-established social safety net. However, upon closer examination, loyalty to those principles took a back seat to the countless interests pandered to throughout the bill. The final conference report reauthorized nutrition programs (food stamps included), funding for research and conservation programs and for rural development, loans and subsidies for dairy, soybeans and rice, funds to market U.S. products overseas and myriad other programs that benefitted the districts of members across the nation irrespective of party (CQ 1996, 3-25 - 3-26). The wide and eclectic collection of supported programs engaged much more influential forces of universalism—distributive politics realized—as

demonstrated by the lopsided strong bipartisan passage of the bill's conference report, 318-89 on March 29 (CQ 1996, 3-26), as compared to the earlier 270-155 vote on the original House bill on February 29 when the primary debate was still in full swing (CQ 1996, 3-16). Many of those who voted against the bill's final passage in the House ended up voting for the conference report, realizing the political consequences attached, especially in an election year. Based on the criteria and consideration of the strong distributive political influences at play, it is difficult to contend that the 1996 Farm Bill was especially prone to unique collegial consideration by members of Congress.

### **BRAC and the NDAA of 1997**

A long-time scholar of congressional politics and processes at the Congressional Research Service (CRS) interviewed for this study observed, "Budget authorizations are often viewed as jobs bills. Therefore, there is bipartisan pressure for all to 'win' and get the NDAA passed" (Interview, November 3, 2017). He went on to explain that "countering BRAC [Base Realignment and Closure Commission] is a repeating manifestation" of why the NDAA repeatedly brings members together from both sides of the aisle, especially considering the "electoral" consequences stemming from jobs potentially lost due to a base closure (Interview, November 3, 2017).

The BRAC oversees a politically tenuous process normally authorized by a provision in the NDAA to review DOD infrastructure for closure or reorganization. Congressionally appointed BRAC commissioners are tasked with providing a comprehensive recommendation to Congress along those lines. In doing so, individual members of Congress are essentially insulated from direct "blame" and therefore conceivably not fully subject to all the political consequences associated with a military base being closed (or recommended for closure) in their district. Furthermore, parochial

and universal political interests of members of Congress are realized (regardless of party) when they counter a request from the administration for a BRAC round to be authorized in the NDAA. In such cases members can claim they voted to save bases and jobs in their districts (parochial) while also justifying the decision as necessary to preserve national security needs (universal). Ironically, because individual members are insulated from direct implication in recommended closures of specific bases (blame transferred the commission), fulfillment of parochial political obligations (member did not directly jeopardize a base in his district) as well as universal political obligations (for the good of national security writ large) can also be rationalized if a member ends up supporting the commission's overall recommendation. That is, because commission recommendations are usually presented as a comprehensive package designed to balance requirements DOD-wide with adjustments taking into consideration bases from all across the country and mission requirements from all military services and functions. Members then can blame the commission for adverse impacts on their district while also claiming to help the DOD save money or divert tax dollars to be spent on more pressing national security requirements. Either way, the dual logic applicable to implementation or avoidance of the BRAC process can be politically enticing to both sides of the aisle depending on the circumstances and provides another example in the domestic political realm of influences on collegiality of defense policy formulation.

An instance of a BRAC issue that brought members of Congress together from both sides of the aisle took place during the late 1990's. Intervention by President Bill Clinton in the 1995 BRAC round was characterized as "unprecedented political meddling" motivated to "curry favor" among voters in Texas and California to help his reelection bid (Lockwood, 2002, 4). The president claimed the two states had suffered

inordinately in previous BRAC rounds and therefore authorized privatized work to continue at underutilized military depots, one in each location (Lockwood, 2002, 4). In doing so, the president undermined the 1995 BRAC depot realignment plan and thereby threatened jobs and work planned to be transferred to depots in Utah, Georgia, and Oklahoma, conceivably making them more vulnerable in the next BRAC round should the privatization plan be allowed to continue in Texas and California (Lockwood, 2002, 4). Accordingly, a bipartisan group of legislators led by members from Utah, Georgia, and Oklahoma revolted against the president's privatization plan and garnered enough lasting resentment in Congress that no further BRAC rounds requested by President Clinton were approved through the rest of his tenure (Lockwood, 2002, 4).

The clash came to the forefront in 1997 during consideration of the NDAA, as the draft bill contained a provision approved by the full Senate Armed Services Committee and House National Security Committee (aka, the HASC) that would have prohibited the president's privatization plan unless the depots in Utah, Georgia, and Oklahoma had 80% or greater utilization rates (Lockwood, 2002, 4). Not surprisingly, the provision triggered the Republican Senators from Texas to join with the Democratic Senators from California to issue a filibuster threat, forcing the offending language to be pulled from the bill prior to floor consideration—a demonstration of the bipartisan respect for the institutional process of the NDAA as discussed in Chapter 4 (Lockwood, 2002, 4).

Amendments to restore the provision offered in both chambers during floor consideration were defeated in the House and withdrawn in the Senate; the issue became the last obstacle to be resolved in the bill's conference committee and triggered a veto threat from the White House (Lockwood, 2002, 4).

The whole scenario was recalled by a former HASC professional staff member

who witnessed it firsthand: “In 1997, the Depot Caucus stood up a bipartisan effort to counter Clinton’s effort to privatize depots. Clinton threatened to veto the NDAA and the Caucus fought back. Congress overrode the veto [threat] because of the economic impact and jobs...it unified opposition to a Democratic president by members of Congress from both sides of the aisle.” (Interview, December 22, 2017). A compromise was finally agreed to by both sides of the issue and the bill signed into law with strong bipartisan support in both the House (passed 286-123, with the support of 94 Democrats in the GOP-controlled chamber) and Senate (passed 90-10) (Lockwood, 2002, 5).

In total, the domestic political influences that weighed on the NDAA BRAC case of 1998 motivated compromise that garnered the support of more than two-thirds of members who voted for the bill’s final passage, irrespective of the partisan slants at play within the Congress and between the legislative branch and the administration. However, in this case, given the motives and actions of the players involved, the central debate surrounding the 1998 NDAA was assessed to be a product of distributive politics that emanated from a BRAC-related process and which created enough dissention to threaten the bill’s derailment. As a result, it is difficult to justify that the 1998 NDAA was especially prone to unique collegial consideration by members of the House.

### **The Twenty-first Century: 2007-2012**

The period between 2007 and 2012 started with the last days of the George W. Bush Administration and a surge of American troops being sent to Iraq—an especially impactful event in domestic politics as the toll of an already long-fought war expensive in American blood and treasure settled in with little chance for end in sight. Other major domestic political factors that influenced policymaking at the time included the election of the first African American president, Barack Obama, who ran in part on a platform to

end the war in Iraq. Political discontent associated with the government's response to the 2008 financial meltdown spawned the rise of the Tea Party and a debate raged over the costs and the role of government in healthcare as the President Obama pushed his signature Affordable Care Act (Obamacare) through into law on the heels of a failed attempt to authorize a federal carbon cap-and-trade system. Thousands of Americans lost their jobs and homes as the mortgage crisis spread and excited partisan discord and frustration over government bailouts of the financial and other industries. The bailouts and "quantitative easing" emplaced by the Federal Reserve to keep markets stable sparked political movements like Occupy Wall Street which openly rejected free market capitalism as a pillar of American society. Ultimately, partisanship and hard financial times overshadowed a national debate on the fundamental roles and responsibilities of government.

The political divide among Americans was the highest it had been in two decades (Pew Research Center 2014). The divide was reflected by increased polarization in Congress which subsequently threatened consensus on defense, agriculture, and transportation policymaking. Any bipartisan policy outcomes were a remarkable feat when and if they occurred.

One particular case which demonstrated the complexity of the domestic political environment at the time had fiscally conservative Tea Party members and Libertarians on the right in Congress join together with those on the fringe left, to vote against defense spending at the height of the war in Iraq and Afghanistan. In 2010, Senator Lindsey Graham (R-SC) expressed his greatest worry was about the potential political power that came with such a coalition (Russell 2014). In that context, Russell (2014) observed it, "would pose the gravest threat to the joint war-making project of the Republican and

Democratic establishments.” From the Tea Party’s view, deficit spending of any kind was essentially unacceptable. Even money spent to supply troops in harm’s way must be stopped in their eyes, as the deficit and debt presented more of a principled threat to the country. Libertarians argued the U.S. never should have intervened in the first place. On the extreme left, the war was a wholly unacceptable violation of international law and an embarrassment that should not be supported. The sides strangely found refuge together in countering the same policy efforts but while appealing to completely different values.

Ultimately, partisan discord in Congress over federal spending and deficits eventually led to the Budget Control Act (BCA) of 2011. The law forced deep cuts spread equally across the entire federal government and put in place budget caps on future spending. While Democrats controlled the House and Senate early in this time period, a majority in the House was gained by the GOP for the 112<sup>th</sup> Congress, splitting the chambers between party control (ProQuest 2011). It was within that overall domestic political context, and the period leading up to it, in which deliberations over the Highway Bill of 2012, the Farm Bill of 2008, and the 2011 NDAA were considered by Congress.

### **The 2012 Highway Bill**

The surface transportation authorization bill passed by Congress in 2012, otherwise known as the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), was the product of three years of deliberations largely centered around debate on how to pay for the bill, deregulation and regulatory reform, and a litany of demands made by conservative House members which forced Speaker John Boehner (R-OH) to repeatedly maneuver to keep the bill moving (Austin 2012, 11-5).

Revenues streaming to the Highway Trust Fund, which should have covered the cost, had slowed over the years, the result of more fuel-efficient vehicles, less Americans



driving, and a general lack of political gumption to raise the federal gas tax in the midst of the most severe economic downturn the nation had experienced in decades (Austin 2012, 11-5). A January 2012 CBO report estimated that in 2014 the trust fund would run out of the \$35 billion infusion made from general Treasury funds between 2008 and 2010 (a stopgap by Congress) unless there was an intervention (Austin 2012 11-5). House Republicans sought to close the shortfall with revenue from “expanded oil and gas drilling and eliminating trust fund financing of mass transit projects” while Senate Democrats, who controlled the upper chamber, aimed to raid the Leaking Underground Storage Tank or LUST Fund, and President Obama expected to pay for it in savings drawn from troop reductions in Iraq and Afghanistan (Austin 2012, 11-5).

Ultimately, in light of the tough economic times, Democrats sought political capital for supporting the bill from the improvements it authorized to infrastructure and jobs expected to be created as a result while Republicans surmised real economic growth would come from deregulation and removing government impediments to transportation projects (Austin 2012, 11-5). Democrats made noise to that end during the bill’s consideration by the Transportation Committee and complained that the bill reported to the full House, H.R. 7, went too far with regard to regulation and not far enough to fund projects (Austin 2012, 11-6). Tea Party conservatives forced several tweaks to the reported bill and Boehner eventually had to pull it from the floor schedule (despite an approved rule for debate), as many of its members were “unconvinced that infrastructure was worthy enough program to warrant spending beyond what was in the Highway Trust Fund, or even to avoid cuts,” (Austin 2012, 11-7).

When the House moved to approve an interim extension (H.R. 4348), Boehner warned a compromise must be made by June 30 or else an extension of existing law

would carry members into the November elections (Austin 2012, 11-8). Perhaps in recognition of the political risk associated with a mere extension in an election year tainted by a vitriolic, partisan environment and tough economic times, both sides allowed for notable concessions that crystalized the true politics of the debate for what they were—a product of distributive politics. While conservative groups like the Club for Growth threatened a vote in favor of the bill would be a black mark for conservative members, the conference report garnered loud praise from advocates for infrastructure investment, to include the U.S. Chamber of Commerce (Austin 2012, 11-8).

Ultimately, the overwhelmingly bipartisan support demonstrated by the final vote count on the conference report (373-52) reflected what was foremost in the mind of most House members—the potential political leverage to be gained by being able to claim some “wins” from the bill, in addition to resources doled out to their districts that could be linked to jobs and economic growth (Austin 2012, 11-8). Consequently, the 2012 Highway Bill was assessed to be driven primarily by distributive political influences and therefore not prone to extraordinarily collegial consideration by House members.

### **The 2008 Farm Bill**

Deliberations over the 2008 Farm Bill took place as the housing market crumbled and the Bush Administration and Federal Reserve took steps to unsuccessfully stave off what ended up transforming into the global financial crisis (Amadeo 2018). As a result, “The bill’s price tag—specifically its cost compared with a 2007 March baseline from the Congressional Budget Office (CBO)—was the source of nearly every hurdle, stalemate, and fight along the way” (Austin 2008, 3-3). Work on the substance of the initial 2008 Farm Bill, H.R. 2419, had spanned over a year and a half and in the end the bill approved by the Democratic-controlled Congress provided a five-year authorization met with a

White House veto, justified by President Bush because of its cost, to include the farm subsidies he viewed as overly generous at a time when crop prices and farm revenues were healthy (Austin 2008, 3-3).

The estimated \$289 billion measure attributed at least two-thirds of its cost to nutrition programs like food stamps (which it expanded) and school lunches provided to children of low-income families (Austin 2008, 3-3). Other provisions reflected the agenda one might expect from a Democratic-controlled Congress with a more liberal and urban-based constituency as it also expanded conservation programs and “offered new incentives for alternative energy” while it simultaneously narrowed “income eligibility limits for farm payments,” the recipients of which tended to be more rural and conservative (Austin 2008, 3-3). The policy differences highlighted the increasingly partisan mood of the time, yet the crux of the debate over the bill remained focused on how to pay for it.

H.R. 2419 overran the 2007 CBO baseline by \$5.7 billion over five years and leveraged a completely different combination of taxes and offsets to make up the difference than the Senate’s approach, which was \$5.3 billion over the baseline (Austin 2008, 3-3). A fight ensued over which programs to cut and by how much—essentially a representative example of distributive politics at work. In the end, crop insurance and commodity supports (to include a reduction of acreage eligible for direct payments) took the biggest hits, while “disaster aid, nutrition, conservation and alternative energy topped the list of programs that benefitted from increased spending in the bill” (Austin 2008, 3-3). The coverage of the final \$5 billion overrun from the CBO baseline by an accounting

gimmick<sup>14</sup>, along with GOP-opposed tax increases, helped justify the president's veto rationale (Austin 2008, 3-3). Despite White House veto threats and aside concerns over its cost and the new slew of tax provisions it would authorize, 100 Republicans still supported H.R. 2419 when it passed the House 318-106 on May 14, thus demonstrating the strength of the distributive political elements at play (Austin 2008, 3-5). President Bush vetoed the bill, as promised, and the veto was overridden (twice, due to what essentially was a clerical error) by a vote of 317-109 on H.R. 6124 (a replacement bill, virtually identical to H.R. 2419) in the House on June 18 (Austin 2008, 3-5).

The central debate on the 2008 Farm Bill was primarily driven by its cost. Per the assessment criteria outlined earlier, the final vote on the bill did not follow party lines—it was rather far from it—indicating the discord was not ideologically-based. While President Bush did express policy concerns about the generosity of the bill's farm subsidies, it was the cost of the subsidies that motivated his concerns (and the concerns of some fellow Republicans), thus minimizing arguments that the debate was primarily fueled by a specific substantive policy issue. Provisions of the 2008 Farm Bill politically benefitted a wide array of members from both sides of the aisle in the public goods it distributed. The political weight of those benefits was enough to support a strong bipartisan veto override (twice), and it was therefore evident deliberations on the 2008 Farm Bill was ruled by distributive political influences and not necessarily prone to unique collegial consideration for other reasons.

---

<sup>14</sup> Members of the conference committee “used an accounting maneuver to cover the five-year cost. Congress offset the 10-year cost by extending customs user fees” (Austin 2008, 3-3).

## The 2011 NDAA

While much attention was paid to a multitude of proposed provisions of the 2011 NDAA that sought to limit the 2010 repeal of the “Don’t Ask Don’t Tell” (DADT) policy which had barred military service of openly gay people, it was surprisingly not a debate over social issues that almost derailed the bill’s unprecedented fifty-year streak of annual successive passages into law (Austin 2011, 5-3). Instead, the central debate of the bill, H.R.1540, was focused on how to interpret principles of the most basic rights afforded by the Constitution and a contest of power between the legislative and executive branches. Essentially, the debate was primarily one of policy substance first, and foremost.

H.R. 1540 swirled in controversy over how America should deal with the custody of terrorist suspects that were not U.S. citizens. The provision in question directed the military to maintain custody of “the core group of al Qaeda detainees suspected of plotting or carrying out attacks against the United States” instead of being held by civilian law enforcement officials (Austin 2011, 5-7). This was a problem for many lawmakers, who saw it as a dangerous move that threatened long-held societal principles. The language was supported by the GOP-controlled House and by the Democratic leaders of the Senate Armed Services Committee (Chairman Carl Levin (D-MI) was in favor) (Austin 2011, 5-7). However, it lured a veto threat by President Obama that warned against provisions which might constrain him from collecting intelligence and prosecuting action against terrorists in order to preserve national security.

Public discourse exploded into misinterpretations of the proposed provisions and hyperbolized conjecture as to whether or not American citizens might ultimately lose their rights and be held indefinitely should they be accused of being a terrorist (Chesney and Wittes 2011). The public debate was in part fueled by a distrust of government

growing in the wake of the financial crisis, latent feelings about the mire of the wars Iraq and Afghanistan, and libertarian voices amplified by an already divisive political atmosphere. But, the debate was fundamentally grounded in very American values that transcended partisan loyalties and contemporary political arguments—due process, constitutional rights of the accused, civilian control of the military, and the balance between personal liberty and national security.

Congress essentially ignored the veto threat and the face-off between the White House and the legislature was settled by the bill bestowing waiver authority on the Commander-in-Chief and a signing statement by President Obama outlining his concerns and intended implementation. Ultimately, the House showed strong bipartisan resolve for the bill's conference report, which garnered support from greater than two thirds of those voting, at 283-136. Given the policy substance of the bill's central debate aligned with the supermajority backing it received during final floor consideration, the bill could be subjectively considered as especially prone to collegial consideration by members of Congress.

### **Summary Observations**

While by no means exhaustive, the cases presented provide valuable comparative insight into what primarily drove the debates on the versions of the three bills over time. While clearly the dynamics of the domestic political environment of the time weighed on each of the bills and the matters that drove the central debates of their consideration were significant (bent by ideology or substance), those matters were nonetheless regularly trumped by the greater influence of distributive politics with the exception of the NDAA of 1962 and 2011. As expected, distributive politics ruled how members ultimately approached the majority of the bills from a political standpoint; they were primarily

motivated to bring home the bacon or to secure a policy favorable to their home district in the hope to gain political capital more than by a seeing a substantive policy issue through.

The cases of the NDAA of 1962 and 2011 were arguably different. The central debate of both bills focused on a substantive policy issue that transcended distributive politics and partisan loyalties and not found with the other bills. In the case of the 1962 NDAA, weapon system cost and capability were certainly considerations in vying between a bomber or missile-centric deterrence strategy, as was support of an industrial base that had research and technological capacity to bring either option to fruition. However, the Soviet threat was very real and the question viewed as a matter of national security that transcended politics. That aspect pressed members to contemplate the motives of their decision on the underlying bill beyond influences and potential rewards encompassed in distributive politics. The sentiment was reflected in the 1961 and 1962 HASC reports on the practical substance, monetary, and operational costs (and risks) of the bomber versus missile decision, also echoed in public proclamations made by the HASC and Senate Appropriations Committee as to the matter's central importance to the preservation of national security. Essentially, the debate was centered on how to best keep Americans safe and deter Soviet attack.

The case of the 2011 NDAA equally transcended distributive political motivations in its central debate. Again, the focus was on existentialism, though not primarily in terms of physical safety as much as in the survival of American values. Due process, civilian control of the military, and the rights of the accused were all issues central to whether or not the bill would pass. The debate not only weighed the values embraced by the Constitution but also the construct of the government it prescribed, manifested in the argument over which branch had ultimate authority to made consequential decisions on

national security. As such, deliberations on the 2011 NDAA garnered an unusually wide spectrum of attention from Americans (and others across the globe). Spectators were not necessarily interested in the latest version of the defense policy bill, but to see if policymakers would remain loyal to the nation's revered values despite a challenging security environment, intense partisanship, and the pressures of dire financial tumult. The vigorous public debate over the bill's provisions in Congress as to whether American citizens could lose their rights and be held indefinitely was a clear demonstration that the issue itself was core to the American ethos and transcended the partisan mire of the day.

Summarily, given the assessment criteria outlined earlier in this chapter, the central debates of the NDAA of 1962 and of 2011 were determined to encompass **“certain domestic political pressures”** distinguishable from the other bills examined. The central debate of both bills focused on deeply substantive matters that transcended loyalty to distributive political pressures, supported as such by a notable bipartisan mix of members, of which at least two-thirds of voted for the bills' final passage. As such, the matters addressed by the central debates of the NDAAs of 1962 and 2011 indicated possible reasons as to why defense policy formulation in Congress is often viewed as more collegial than other issue areas.



## Chapter 6 - Domestic Influences: Interviews

While distributive political theory is an established scholarly platform for explaining the dynamics of defense policy formulation, this study searched beyond the theory's confines to more thoroughly identify domestic political influences that shape the perceived collegial nature of defense policy deliberations over time. To do so, interviews were conducted with twenty-five individuals from the policy community, including former and currently serving members of Congress, congressional staff, lobbyists and academics. Interview subjects were primarily queried about their experience with the defense policy process in Congress. More specifically, for the purposes of this chapter, they were asked about National Defense Authorization Act (NDAA) deliberations and to identify domestic political influences in the NDAA process which weighed on the overall perceived political character of defense policy formulation in Congress. In other words, "Why do people seem to get along better on defense policy?" Finally, interviewees were asked to share experiences and perceptions related to how policymakers approached the Farm Bill or Highway Bill compared with the NDAA.

Collectively, these interviewees explain that distributive concerns are a key part of the domestic political influences that weigh on the political nature of defense policy formulation in Congress, but not the only thing. The ensuing sections present several underlying themes from both aspects as shared by those interviewed and included: The dual obligation of House members to their district and the nation; the political savvy of the Department of Defense (DOD); the massive size and reach of the NDAA with regard to policy and budget; and political aspects of civilian-military relations, among others. Ultimately, identifying a single aspect of the domestic political environment as the primary cause for the perceived collegial nature of defense policy is not realistic, as a

combination of factors provide a more credible explanation, depending on the individual and the situation.

### **Two masters: District vs. Nation**

The NDAA process was frequently characterized in interviews as a vehicle of domestic political consequence from a parochial and universal sense which to help explain how members approached the bill politically. The NDAA was viewed as feeding into both sides of the obligation members of Congress struggle to balance to fulfill the duties of their office. On one hand, the NDAA process was viewed as helping members satisfy the needs, wants, and concerns of the constituents from their home districts. On the other hand, the bill helped members meet their obligation to the nation at large, namely national security. NDAA deliberations were then viewed as an opportunity to satiate parochial and universal political demands in one bill, and therefore provided an exceptional reason to cooperate, often aside partisan loyalties.

One congressional staffer with almost twenty years of experience dealing with defense policy in the House provided an example:

HASC members often see eye-to-eye on quite a lot, like Rob Wittman [R-VA] and Joe Courtney [D-CT] on sub[marines]s on the seapower subcommittee. They have a real chance to bond over policy issues the rest of their respective caucus members may not due to the substance of the policy issues they are addressing. (Interview, January, 26 2018)

Both members, Wittman and Courtney, while distant in political ideology, had U.S. Navy submarines associated with jobs, basing, and industry in their respective congressional districts (parochial interests). Furthermore, by virtue of their missions and capabilities, the submarines helped fulfill the universal obligation Congress has to the nation to ensure its security. Both parochial and universal interests were met then, conjoined in the environs of the House Armed Services Committee—a uniquely collegial venue, as

witnessed by the staffer, a venue not necessarily available to other members (discussed more extensively in Chapter 4). Finally, the staffer implied a sincere professional interest by both members, one accentuated by their joint exposure to the subject matter over time (Wittman was the sea power subcommittee chairman and Courtney its ranking member). Ultimately, it was inferred that potential political gains—universal and parochial—enabled by a complementary venue (HASC & the NDAA), grant members unique motivation to approach deliberations on defense matters more collegially.

### **DOD's Political Attentiveness**

By interview accounts, DOD was very aware of, and catered to, the domestic political influences members of Congress grappled with—the balance between district demands and those of the nation at-large—which often led to a more collaborative NDAA experience for all involved. As previously illustrated by “Staffer Days” events leading up to the annual deliberations on the NDAA in Congress, DOD's attentiveness set a high bar to match by other agencies in dealings on similar authorizing legislation (the Farm Bill and the Agriculture Department, for example). A former senior HASC policy staffer recounted an example of the military's awareness of domestic political pressures on members and how it was acted upon to keep the policy process in motion:

When the service, like the CNO [Chief of Naval Operations], would prioritize and the [Armed Services] Committee found money to authorize infrastructure projects not asked for [by individual members], PSMs or the Chairman would go to the member and notify them and make sure they got credit for the project, even if they did not ask for it. That moved the bill [NDAA]. (January 31, 2018)

Like dialogue between the Hill and DOD was noted as especially robust during the annual budget and posture hearing season leading up to the NDAA's consideration by the HASC (as discussed in Chapter 4). The discourse continued at a constant rate throughout the rest of the year, but with varied in intensity depending on the issue and the domestic

political environment. Nonetheless, the ongoing discourse was cited as elemental to collaboration. One former Air Force pilot, turned HASC PSM, then CRS researcher reflected:

HASC PSMs would be in direct contact with program managers in DOD and the [military] services as to whether or not they needed or wanted items being earmarked [by members in the NDAA]. Just an earmark authorized was often good enough, even if it was not funded by appropriators, because it could be politically leveraged as a ‘win’ for the district. (Interview, January 31, 2018)

The ongoing discussion was therefore politically and substantively attentive by with minor regard for party affiliation. In the case mentioned above, programs deemed unnecessary by appropriators might nonetheless get a public nod by authorizers (in the NDAA) to fulfill domestic political needs of members with full knowledge the programs might never see the light of day.

Such practices were enabled via intimately tight links between the defense committees and the DOD, attributes unmatched in recollections shared about the Agriculture Department on Farm Bill deliberations and the Transportation Department regarding the Highway Bill. One former congressional staffer who worked on transportation policy as well as security issues (to include the NDAA) recalled: “Congress did what they wanted on transit and highway funding. There was occasional discussion on a few high-level policy issues between the Transportation Department and Congress during the bill’s deliberation but not really on funding” (Interview, April 3, 2018). Another former long-time ag policy congressional staffer turned lobbyist recalled the Farm Bill legislative process usually started with a review of the bill’s last successful iteration to determine where policies should be “tweaked” (Interview, February 9, 2018). She continued, “[United States Department of Agriculture] USDA weighs in [on the review], but it depends on the relationship [with the Hill]. Split government can have an

impact with the administration as to how much collaboration there is on the draft bill (Interview, February 9, 2018). Another former ag congressional staffer who later served as a Deputy Assistant Secretary at USDA supported her observation, but also recalled a notable exception in former Agriculture Secretary Dan Glickman who “was very involved with the [Farm Bill] process” as he had served on the House Ag Committee over twenty years before becoming Secretary (Interview, February 7, 2018). One final former staffer turned lobbyist observed, “While the [Ag] Committees will take some cues from the administration on where [Farm] policy should fall and what will be acceptable, in general the administration listens to the Ag Committee leadership to guide policy and their legislative agenda” (Interview, January 11, 2018). Clearly, the dialogue on the Farm Bill and the Transportation Bill were not as robust, routine and more dependent on political dynamics than the annual dialogue on the NDAA between the Hill and the DOD.

### **Budget Size (and Reach) Matters & More**

The fact that DOD is the largest department in the federal government was cited to help explain the consistent success of the NDAA and the unique collegial nature of related deliberations. One CRS researcher and former reporter long steeped in the machinations of defense budgeting in Congress observed: “It’s the nature of the beast. The NDAA and DOD are just so broad and diverse. Virtually everyone can find an issue to work on or with, from child care to the officer promotion system to the CV-22” (Interview, December 4, 2017). He continued with a comparison, highlighting the distinction between the wide menu of NDAA policy options to collaborate on versus the relatively narrow distributive provisions available elsewhere:

The Farm Bill or Highway Bill are a collection of ‘one-offs’ or ‘eaches’ versus [being] guided by an overarching principle [as in national security with the NDAA]; There is a lot more ‘meat’ to dig into with the NDAA. It is management and

oversight of a massive organization, an economic force with industry and peoples—so many things, more to do versus other agencies. (Interview, December 4, 2017)

Essentially, the largesse and reach of DOD's influence on the domestic political arena is valued for the wide shadow it casts, an unmatched abundance of opportunities to collaborate on in order to realize agenda goals across the political spectrum.

As the nation's largest employer, DOD also supports a workforce of indeterminate magnitude in the private sector—from the largest defense contractors to the smallest mom and pop suppliers in virtually every corner of the country (CBO 2016).

Along those lines, one prominent scholar with the American Enterprise Institute, seasoned from decades of work studying congressional process and politics, brought to light another notable aspect of the domestic political environment referred to in the interviews as to why deliberations over defense spending was different than in other policy areas:

Major defense contractors know and share the[ir] economic impact in each district and state; how many jobs and how the industrial base is impacted. Things are not quite as clearly articulated with food supplies and prices, even though everyone eats. The impact is different in a significant way and members respond to that. (Interview, December 23, 2017)

Interviewees also asserted the defense budget (the NDAA) primarily competed for resources within its own provisions proper, while the Farm Bill and Highway Bill competed both within its own provisions and with other priorities vying for resourcing in the larger domestic spending pot of the discretionary budget. In other words, defense spending was viewed as almost wholly distinct from domestic spending and the competition for resources in the latter was fiercer.

Defense is inherently apolitical therefore fully on equal budgetary footing with the whole of the domestic policy agenda. The question for transportation funding is, “how much” in competition with all the other domestic budgetary issues. How to divide the pie among them is very contentious versus defense, which is alone and divided within itself. There are no “losers” in DOD spending when dollars are separated between defense and non-defense spending because defense dollars are only in competition with themselves. (Interview with CRS researcher, December 4, 2017).

Non-defense policy areas were thus viewed as pitted against each other for budget priority while the defense budget was relatively insulated from that politicking, not to mention the partisan divisiveness that came with it. One former Hill staffer turned food industry lobbyist remarked: “Its political these days, budgets...its ideological— [government] handout dependent jobs versus food stamps” (Interview, February 9, 2018). Additional influences from the domestic political environment were also cited for increasing competition within the non-defense spending realm further, giving additional reason for defense budget deliberations to be viewed as more collegial.

One prominent think tank scholar provided an example that highlighted increased competition between programs authorized in separate titles of the Farm Bill due in part to the changing dynamics of associated domestic political pressures:

...it comes down to logrolling of commodities. There was a balance. Bob Dole and others—Reagan Republicans—would get price supports, et cetera, in exchange for support for food stamps. That changed when food stamps were demonized by the “welfare queen” stereotypes; Republicans and the public pushed back on supporting them.

Democrats also migrated from rural areas and farms to a more urban demography and the Southern Democratic blocks diminished. The myth of small family farms, despite large agribusiness taking over was proliferated and kept alive by the farm lobby and capitalized on – still to this day. Strong conservative intellectual arguments against farm supports have found receptive ears even among farmers and more rural, agriculturally dependent populations, thereby further damaging the opportunity for balance in the Farm Bill. (Interview, December 23, 2017)

So, “balance” within the domestic spending portfolio has deteriorated over time due to

partisanship. Conversely, the same scholar did not view defense policy as prone to the same political pressures that the domestic policy issues faced during the same time period—or in broader terms for that matter—which provided further reason for its perceived collegial nature over time.

The scholar's colleague, a former Hill staffer from the same think tank, provided similar conclusions on the Farm Bill in a separate interview: "The Ag Committee has urban and rural coalitions that historically transcend partisanship but have been frayed in recent years because of the Nutrition Title. Common ground is limited due to social sorting. Red state versus blue state on food stamps, for example" (Interview, January 29, 2018). Examples from the interviews were not limited to the Farm Bill and extended to other policy areas.

The highway transportation bill has common appeal but is also impacted by anti-government campaigns and earmark scandals—like the "Road to Nowhere"—which has changed the culture away from support of "bringing home the pork." The Highway Bill is funded through the gas tax which, due to the anti-tax campaign of Roger Norquist, is not acceptable to adjust for any member, aside from reducing it. (Interview, December 23, 2017)

As inferred in the reflections above, member decisions on issues within the domestic policy arena were viewed as much more politically consequential than decisions on defense policy. As a result, policymakers enjoyed somewhat of an additional buffer from political lash-back for collaborating on defense policy.

The notion then, that political risk associated with the NDAA was minimal compared to other authorizing legislation provided justification as to why collaboration might be construed as easier in defense policy deliberations. One think tank scholar and former HASC PSM quipped: "Members can vote for the NDAA without a downside. The risk/reward ratio greatly favors supporting it. There is virtually no risk." The lack of



risk, he reasoned, was because, “Post-Cold War defense policy has been on the way down with regard to importance. All [members of Congress] used to require having a position on defense because the enemy was looming and everyone felt threatened, it was clear, but no longer the case” (Interview, December 22, 2017). He also boldly conjectured, “The Budget Control Act would not exist if people really cared about defense” (Interview, December 22, 2017). A military legislative assistant (MLA) of a HASC member agreed, “Defense policy is not largely on the radar of constituents in daily life; they know less about defense issues” (Interview, February 1, 2018). His observation is a very important point, referred to as the “information gap” and explored more in depth later in this study as part of the international political influences weighing on the nature of defense policy formulation. Another former congressional staffer had a similar view but went a step further: “There are no interest groups fighting against national security, no domestic constituency against defense...there can be collegiality on the Hill on defense related issues without political consequence” (Interview, April 3, 2018).

When pressed for reasons why there was no viable lobby against spending on national security, it was generally concluded such arguments are simply too easy to demonize, especially when the nation is at war.

Who wants to stand the political heat of not funding soldiers in combat? There are a few rare exceptions. Even at the worst times of the Iraq War, the NDAA, OCO [overseas contingency operations] funds, and defense appropriations still passed with bipartisan support. Who wants to be the guy that did not vote to defend against the unseen threat, post 9-11? (Interview with think tank scholar, January 23, 2018).

His point extends beyond the federal budget debate into other reasons interviewees commonly noted as why defense policy is often viewed as more collegial.

Members of Congress want to be viewed as supportive of military members and

their families, especially in times of conflict and regardless of party affiliation. One member, who also happened to have military experience observed: “Democrats tend to focus more on personnel rather than hardware when it comes to supporting the military because they see it as their means of ‘supporting the troops,’” inferring Republicans tended to focus more on hardware in that regard. “This is a good combination from the right and left, in addition to support for soft power and U.S. global leadership from both sides to get to compromise on foreign and defense policy issues” (Interview, March 28, 2017). An experienced scholar of military policy expressed a slightly different but parallel stance:

Since the actual decision to commit troops to battle is not a core function of the Congress, even when war is declared, deliberation over the NDAA is reduced to a debate over resources. The Farm Bill and Highway Bill are the same—resource allocation bills—without the moral imperative of committing and supporting troops to combat and without the threat of consequences from inaction. (Interview, January 23, 2018).

The NDAA then, provides a visible opportunity, on the record, for members to express their support through collaboration. The deputy chief of staff to a senior member of congressional leadership weighed in similarly, “Constituent interests are an element in the NDAA, compelling because they authorize military pay raises and recognize the sacrifices servicemembers make” (Interview, February 7, 2018).

The urge policymakers feel to support the military can also be compounded by the fact very few members of Congress are military veterans. Therefore, supporting the NDAA is viewed as a means to bridge the civilian-military gap.

[M]embers and their constituents want to recognize the sacrifices they make to serve the Country. Every community across the country has service members or veterans or families impacted. There is some policy attachment as a result – jobs, PTSD, healthcare, et cetera. (Interview with legislative director of a House member, February 1, 2018).

A member of Congress agreed: “It’s hard to get past the political power of VSOs [Veterans Service Organizations] and veterans when you have not served yourself...” (Interview, March 28, 2017). Additionally, less than one percent of the U.S. population is actively serving in uniform and they all volunteered to serve (not drafted) (Chalabi 2015). Consequently, it does not necessarily play well with voters when institutions at the bottom end of the public trust spectrum (Congress) are viewed as culpable in shorting the military (at the top of the trust spectrum) on funding, especially in wartime (Kennedy 2016). Another former staffer provided a somewhat more superficial but pertinent reason members might approach defense policy with a more collegial bent:

The military is a popular institution, especially since their sweeping win in the first Gulf War, often glamorized in pop culture. Members [of Congress] want to be associated with popular things and support them to also feel or be popular by association by virtue of offering their support. It is a remnant of the way the military was treated during Vietnam War, still not forgotten; on the swing back, but possible it has swung too far in valorizing vets, putting them on a pedestal. It is overcompensated on the civilian side. (Interview with former congressional staffer, January 29, 2018)

Wholly, the combination of circumstances can result in the military being placed on a pedestal (rightfully, or not) by the public, reinforced by policymakers, percolating a “need” to “do more” to ensure the military is “taken care of.”

### **Interviews: Concluding thoughts**

Much like the case studies presented at the beginning of this chapter, personal observations of those closest to the policy process placed much stock in distributive political theory to explain the enduring collegial nature of defense policy formulation as subject of domestic political pressures. However, also like the case studies, distributive political theory did not provide exhaustive answers. The observations recounted in this chapter therefore only represent a meager cross-section of underlying themes—some of

the primary reasons interviewees contemplated in attempting to explain the domestic political pressures at play that make deliberation on defense policy seem more collegial. Those explanations included: the notion that defense policy provides a means for members to balance parochial, district-related obligations with those of the nation at large; the attentiveness of DOD to the political concerns of members and the robust communication between the Hill and the department; the largesse of the department in budget authority, policy reach, and sheer spectrum of issues it deals with across the enterprise; and political aspects of civilian-military relations, among others. Summarily, it would be difficult to identify a singular aspect of the domestic political environment as cause for the perceived collegial nature of defense policy. Rather, a combination of factors provides a more plausible explanation, depending on the situation.

## **Chapter 7 – International Influences: Interviews**

This chapter is focused on identifying how elements of the international political environment weigh on the collegiality of defense policy formulation in Congress. Influences from the international front represent the last of the three primary sources of political pressure (institutional, domestic and international) asserted by this study's hypothesis as driving collegial behavior on defense policy matters. It helps to round out the study's overall attempt to provide the most complete picture possible to qualify the notion that defense policy formulation in Congress is ultimately more collegial than other policy areas. To do so, members of the policy community were interviewed; asked about what events on the international political stage were most likely to influence the decision making of policymakers in Congress, and how. They were also asked about what events or issues in the international political environment might trigger members of Congress to collaborate more with their colleagues across the aisle. Finally, they were asked to compare the defense policy process (specifically, the NDAA process) in Congress with that of other policy issues, to include agriculture and transportation policy (specifically, the Farm Bill and Highway Bill), with consideration for how pressures from the international political arena impacted each one.

The chapter is organized into five subsections outlined by interview discussions, each of which presents a general theme. The themes were identified by interviewees from their policy experiences to be primary factors emanating from the international political arena weighing on how policymakers approached the defense policy process politically. Those themes included the following: Security; America's role in the world; Presidential leadership; Defense versus other policy areas; and, The "information gap". The interview themes also acted as a foundation for organizing historical case studies in

the next chapter, a final step to produce the most comprehensive explanation possible of international political influences weighing on the political nature of discourse on defense policy. Wholly, the themes encapsulate underlying reasons why respondents thought the formulation of defense policy in Congress is often construed as more collegial than other policy areas, specifically with regard to international political pressures.

### Security

When members of the policy community were asked about what events on the international stage were most likely to influence the decision making of policymakers in Congress to cooperate across the aisle, a common answer was relayed by a former appropriations committee staffer, “An attack on U.S. territory by a foreign state. As we saw after 9/11 - a catastrophe of that magnitude forced Congress to come together,” (Interview, December 17, 2017). Another former defense policy staffer framed his response over a broader scope: “First, the lives and safety of Americans abroad; events that close a U.S. embassy; terror attacks abroad; Second, conflict or a treaty crisis with an ally or when core U.S. interests are in danger, like with the Senkaku Islands in the South China Sea; Third, persecuted refugees or ethnic minorities under duress; R2P [Responsibility to Protect]<sup>15</sup> questions; massacres like with the Rohingya<sup>16</sup>” (Interview, January, 29 2018). His third point, on crisis, was echoed by the seasoned legislative director of a House member, “All come together in support of defense policy in a national crisis” (Interview, February 1, 2018). While vital American interests were foremost on

---

<sup>15</sup> “R2P” or Responsibility to Protect – concept that nations have an obligation to intervene when atrocities/crimes against humanity are being carried out, even if it violates another nation’s sovereignty (United Nations, n.d.).

<sup>16</sup> In 2017, over 600,000 ethnic Rohingya people fled Burma into neighboring Bangladesh due to alleged crimes against humanity, ethnic cleansing, and genocide by the Burmese military (Martin, Margesson, and Vaughn 2017).

the minds of those interviewed, there was virtually no deviation from the convention that security is a primary duty and goal of all elected officials, regardless of ideology, and that Congress and the president are charged specifically with the security of the nation from external threats.

Many of those interviewed emphasized that political ideology had little bearing on the matter of national security being the foremost priority for policymakers. One Military Legislative Assistant (MLA) for a member of the House Armed Services Committee (HASC) observed, “core national security interests have buy-in from both sides; defense policy is country above all else, in the national interest” (Interview, February 1, 2018). His colleague, a staffer for a member from across the aisle agreed, “National interest above political interest...is what sets apart defense policy from others” (Interview, February 1, 2018). A policy expert with CRS also noted, “Defense has a national constituency—hawks and doves alike” (Interview, December 4, 2017). The aim to satisfy the “national constituency” extended into actual policy deliberations: “The [National Defense Authorization Act] (NDAA) cut across a lot of divisiveness over the years, even now for many reasons” (Interview with legislative director of a House member, February 1, 2018). Continuing with that theme, a foreign and defense policy research fellow at the American Enterprise Institute (AEI) observed of members of Congress: “On broad questions, they're more likely to agree on national security policy. When it comes to the details, that is the source of debate. So, both parties overwhelmingly will approve the defense bill for final passage but they will vociferously debate priorities underneath that umbrella like nuclear weapons, detainee policy, torture, etc., etc.” (Interview, February 6, 2018). In other words, policymakers tend to approach legislation like the NDAA in a more collegial manner because they realize the risks to

society if they fail to provide resources and policy guidance adequate to preserve national security.

As inferred by the AEI fellow, while interviewees made clear security was a universal policy goal shared by members of Congress—one frequently able to transcend the snare of partisan politics—they also made clear the devil was in the details regarding how to provide that security. A distinguished think tank scholar long-studied in the machinations of congressional politics, shared his perspective: “The NDAA debate and defense have not always been rosy. Reagan had bitter disputes over the MX missile and the B-1...The Reagan military buildup led to tensions with the Democrats, at odds with the [DOD post-Vietnam] reforms made in the 1970s” (Interview, January 23, 2018). As contentious as debates might have been over problems arising from international pressures (or threats), to include those which addressed serious moral or ethical questions or challenged preservation of fundamental rights, incentives to reach agreement were oftentimes stronger and not necessarily better for it—liberty versus security. That is in part a result of “the post-9/11 sacrosanct nature of all things security. PATRIOT Act and FISA courts and Gitmo and re authorization of all these 'secret' authorities always passes (sic) even though there are real reasons to question a system with little to no sunshine/oversight” (Interview with AEI defense fellow, February 6, 2018). The common view then was security is an invaluable linchpin for society to flourish, cause enough for unity to take precedent among policymakers when addressing threat elements of the international political environment.

Ultimately, the importance of security to society (especially an open society like the United States) was conveyed; to allow freedom for the private sector to flourish and citizens to “pursue happiness” with minimal worry while also allowing public institutions



to operate and serve the needs of the people. Policymakers summarily saw security as “job #1” of their responsibilities in Congress, which entailed collegial discourse to find consensus on policies and resources to adequately address threats from the international stage. In other words, when the nation has been threatened or faced serious crisis, especially when American lives are at risk, policymakers have demonstrated a propensity over time to bypass partisan loyalties, even in the most challenging domestic political environments, to employ policies and resources to protect the country.

### **America’s role in the world**

A commonality among those interviewed pointed to international pressures associated with America’s unique role in the world as a reason for explaining the collegial nature of defense policy formulation. A member of Congress assigned to the House Foreign Relations Committee offered, “American global leadership is a point of agreement, though what it looks like may be different. Some translate that as military strength, others as soft power (Interview, March 28, 2017). Regarding the former (military strength), a House MLA referred to results of a recent Wilson Center survey circulated among members that showed Americans were skeptical of alliances with other nations but also think we should work with others to counter threats (Interview, February 1, 2018). Regarding the latter (soft power), the House member explained further, “Human rights are an issue that brings people together. Republicans may say they do not care about it, but their actions prove otherwise” (Interview, March 28, 2017).

A former HASC policy staffer provided an example to illustrate the member’s point in the U.S. response to the 2014 Ebola virus outbreak in West Africa. The staffer characterized the event as an “overnight crisis” which required a “whole of government approach...the president announced 3,000 troops would be in country, dedicated to the

effort” and support the international humanitarian response (Interview, December 22, 2017). In stunningly swift fashion, “Mike McCord<sup>17</sup> reprogrammed \$1 billion of \$5 billion leftover OCO<sup>18</sup> funds and was able to have all eight committee heads,<sup>19</sup> minority and majority, sign off on it” (Interview, December 22, 2017). The international pressure to stave off the outbreak, coupled with its attention as a presidential priority, overrode a streak of partisan tensions in Congress stemming from Democrats blaming Republicans for cuts to Centers for Disease Control (CDC) and Prevention funding, as it was recognized the U.S. (military) was the only global entity with the capacity to deploy adequate personnel and resources to the austere region rapidly enough to be effective (Weisman 2014). Timing of the rancorous rhetoric was curiously aligned within weeks of upcoming midterm elections (Republicans picked up thirteen House seats), as campaigning Republicans were accused of goading Democrats to embrace a travel ban sought to protect the U.S. from potential hosts bringing the virus into the country (Weisman 2014). Ultimately, the Obama White House provided reassurance CDC funding was adequate (close to what congressional Republicans supported) and the partisan squabbles were overcome in light of the greater threat resulting in a successful DOD-enabled government-wide response that quelled the outbreak and both sides eventually claimed credit for (Weisman 2014).

A prominent Washington think tank scholar well-versed in congressional politics

---

<sup>17</sup> McCord was the DOD Comptroller/Chief Financial Officer in 2014 (U.S. Department of Defense [DOD], n.d.).

<sup>18</sup> Overseas Contingency Operation (OCO) or supplemental war funds appropriated beyond the regular baseline defense budget.

<sup>19</sup> Chairmen and ranking members of the four defense-related congressional committees (House & Senate Armed Services and Defense Appropriations) must sign off on DOD reprogramming of funds beyond a certain threshold.

suggested a different source of motives regarding the U.S. role in the world. He assessed domestic political unity in response to international political pressures was based on estimated benefits the U.S. might reap by acting with unity: “Democrats and Republicans—Americans—are all in the same boat together and must compete with the rest of the world” (Interview, January 23, 2018). He was referencing the U.S. need to invest in infrastructure to maintain a competitive edge in the world economy, an issue, when linked to jobs, is reason enough for most any elected official to find middle ground on. A CRS researcher bridged the gap from another angle with his observation: “Post-Cold War and Post-9/11 there is no shared mental map of National Security Strategy, yet still overarching agreement on the basic questions to be answered – security” (Interview, December 4, 2017). Both views are supported by the vast literature published on grand strategy since the end of the Cold War, and then Post-9/11, topped by ponderings on America’s past and future role in the world order (Kissinger 2014, 362-363). Amidst the debate, as the Congressman and the CRS researcher pointed out, there is still a notable “point of agreement” on security. That is, in navigating the political pressures of the international stage, despite lack of agreement on specific goals and elements of U.S. strategy, policymakers do largely agree on the need to protect the nation’s vital interests above partisan loyalties. Those vital interests, as defined by Deibel (2007) are rooted in the pursuit of security and prosperity, the preservation of fundamental societal values, and the ability to project those values abroad. And, the collegial unity they drive in Congress is arguably a remnant of the conventional “politics stops at the water’s edge” approach to national security policy.

Other interviewees suggested proclivities toward bipartisan consensus on defense policy due to international pressures were actually the product of national soul-searching

itself, given the underlying need to provide for the nation's defense was understood. As the world changes and evolves, the international order shifts—an especially prominent global dynamic of the last forty years or so as billions have risen out of poverty largely due to rapidly expanding markets. While many scholars point to a resultant U.S. decline, others counter, arguing that the rest of the world is just catching up to U.S. standards and thereby forcing American introspection on its role in a world with more near-peer competitors. Such was the basis of the National Security Strategy published in 2018.

“Unity can be found in countering common threats to the U.S., like in addressing threats like North Korea and China,” reflected a House member when he contemplated the pressures policymakers grappled with to preserve U.S. interests in the Pacific region (Interview, March 28, 2017). A senior think tank fellow and former HASC policy staffer reflected, “All [members of Congress] used to have a position on defense because the enemy was looming and everyone felt threatened, it was clear, but no longer the case” (Interview, December 22, 2017). He explained the search for clarity could be a unifying, as policymakers struggled together to define a path for defense policy in a world devoid of Soviet Russia. Another former HASC policy staffer who served on the Hill in the 1990s provided contrasting context: “Newt Gingrich turned the tide toward partisanship in Congress, away from Cold War comity and unity. The fall of the Soviet Union left no common enemy to unify against” (Interview, December 22, 2017). He further explained that the “peace dividend,” or the military draw-down pressed by the Clinton administration, was partially how national soul-searching for the U.S. role in the world manifested itself in the post-Cold War era (Interview, December 22, 2017). While there may have been angst stirred by Speaker Gingrich, there was still strong bipartisan consternation in Congress over the depth of the proposed defense cuts because of

uncertain future security commitments associated with the crumbling Eastern Bloc (Interview, December 22, 2017). Ultimately, despite debates on grand strategy and the soul-search for America's role in the world, policymakers across the ideological spectrum consistently found common ground to formulate policies and provide resources for the U.S. to address pressing international political pressures. Passage of the NDAA for 50+ years straight is just one example.

### **Presidential Leadership**

Members of the policy community emphasized repeatedly during interviews that the president's rhetoric and actions play a significant role in how international political pressures translate into the approaches members of Congress take on defense policy. As discussed in Chapter 2, the role of the president in that regard is well-supported in literature. Aaron Wildavsky (1966, 23) provided a classic example in his concept of one president and two presidencies—one focused on domestic policy, the other on matters of foreign and defense policy. In that vein, explanations as to how the actions of the president in international affairs weighed on the collegiality of congressional defense policy deliberations aligned in a few broad themes.

First, as Wildavsky's argued, the president tends to set the agenda on matters of international politics and Congress generally follows suit. One think tank scholar mused, "Members of Congress who share the same party as the president will almost always support the president" for political reasons or otherwise, a conclusion also cited often in related literature (Interview, January 23, 2018). However, it was clear among respondents that following the president on foreign matters was by no means isolated to members of his own party, quite the opposite at times. "The Congress tends to follow the president in most instances of crisis abroad and in defense policy too. [Then House

Speaker, Representative Nancy] Pelosi [(D-CA)] and Democrats almost always gave room for their caucus to vote for the NDAA during the worst parts of the Iraq War” (interview with former congressional staffer, January 29, 2018). One MLA explained further: “It’s very difficult politically to vote no on the NDAA because they usually include troop pay raises, etc. They are powerful political tools, pro and con, as they support what troops need which is very hard to oppose (Interview with House MLA February 1, 2018). Along those lines, interviewees noted almost universally that partisan loyalties were abandoned (with minor exception) in times of crisis or in situations where Americans were in harm’s way (as exemplified in detail in ensuing case studies). “Members feel the need to ensure that troops have what they need, be it for political reasons or because it is truly heartfelt” (Interview with HASC member’s MLA, January 26, 2018). Another think tank fellow concluded that if, “troops are in harm's way especially if it's high profile, they're more likely to cooperate” Interview, February 6, 2018).

Congress then, manifests its solidarity with the troops and with a president’s plan to deal with matters of international consequence in the authorities and resources provided in the legislation it passes. As such, one House defense staffer noted, “The NDAA and defense policy is successfully bipartisan because servicemembers...have their lives on the line,” and as a result, he explained, defense-related legislation supporting troops in combat is routinely prioritized on the agenda (Interview, February 1, 2018). Another former HASC staffer echoed the sentiment: “Defense is different because it is looked at institutionally as job #1. Especially when there are troops in the field that depend on the legislation to get through” (Interview, December 22, 2017). Summarily, there is immense pressure, especially when American lives are at risk, to

follow the president's lead as commander-in-chief above partisan loyalties due to the potential political backlash of being contrary. As a result, collaboration on and support of legislation like the NDAA exists where it may not in other policy areas.

As discussed in Chapter 4, the people in Congress (namely members and staff of defense-related committees) charged with formulating the legislative means to employ a president's proposed path on a matter of international politics were also viewed as primary drivers of the bipartisan unity evident in that process. A CRS expert and former congressional fellow who worked on the NDAA noted:

The people that worked on defense issues, [professional staff members] PSMs, MLAs, and members alike were all concerned about the well-being of servicemembers and it was unifying. It was about the health of the military; not just resources but about the right kind of resources, the types needed to be ready to defend the country. The people were motivated by it, to get it right. Unity came from urgency to help solve real problems that servicemembers were facing in wartime. (Interview, December 14, 2017).

When it came to getting those legislative proposals through the Congress, the president was also cited as using his role as commander-in-chief or as the nation's top diplomat to build bipartisan support in Congress. This was especially the case if the international political situation was strong enough to demand it. A former Republican HASC deputy staff director recalled such an occasion with President Bill Clinton during the mid-1990s debate over the controversial U.S. intervention in Bosnia.

The president called [the Republican member] off the floor in the middle of amendment debates for the NDAA because he knew [the member] was going to offer an amendment he disagreed with on the Balkans. [The member] debated whether or not to take the call because he knew the president would try to talk him out of offering the amendment. [The member] asked me if he should take the call and I said he should because it was the president, and to at least hear him out, so he did. [The member] respectfully thanked the president and told him he was not persuaded but would be open to further discussion. Clinton cordially accepted and the amendment was offered, nonetheless. (Interview, January 31, 2018).

In light of the collegial discourse, the staffer noted the chief executive's focus on the

substance of the debate and his respect for a “no politics” approach to the authorization of policies and resources that would ultimately enable the president’s desired path in Bosnia (Interview, January 31, 2018). Both sides (not necessarily divided by party) were brought together, largely based on pressures to intervene from the international community (Interview, January 31, 2018).

Depending on the dynamics of the international political environment, interviewees observed Congress would occasionally turn the tables on the president and drive the debate, often unified across party lines in doing so. One think tank expert pointed out, “Presidential leadership - including when presidents CHOOSE NOT to lead - is also a big factor” (Interview, February 6, 2018). To illustrate his point, another scholar noted, “President Obama tried and failed to legislate the end of the wars in Iraq and Afghanistan,” and eventually had to direct the withdraw from Iraq (Interview, January 23, 2018). He further explained:

Congressional responses to the president have an effect on policy and agenda implementation. [President] Clinton was marginalized because of the [Monica] Lewinski scandal but [President G.W.] Bush was legitimized immediately by the GOP Congress. [President] Obama from the start faced a Congress that was going to be hostile at every chance possible [during the period of Republican majorities on the Hill]. (Interview, January 23, 2018)

A former Hill staffer referenced the Russia sanctions bill of 2017 and noted how its near-unanimous bipartisan support in Congress drove presidential action; President Trump signed the legislation despite his reservations (Interview, January 29, 2018). The staffer also recalled how Congress blocked President Reagan’s efforts to support the Contras (which arguably resulted in the Iran-Contra Affair) and the Senate challenged President Carter’s unilateral nullification of the Sino-American Mutual Defense Treaty with Taiwan (Interview, January 29, 2018). In other words, these exceptions prove the rule.



That is, Congress can drive bipartisan defense policy even in the face of presidential inaction or resistance. Yet, despite such occasional successful unified dissonance in Congress, the president is still equally recognized for leading its members, of all political stripe, in a unified “U.S. response” to international pressures, especially when American lives are in jeopardy.

### **Defense vs. other policy areas**

Exceptional bipartisan cooperation in response to international political pressures in policy areas other than defense was cited by interviewees as largely subject to distributive politics or to the ideology of individual members. One long-time lobbyist on agriculture policy noted, “When the president’s agenda stays out of the fray, bipartisanship [on the Farm Bill] flourished (Interview January 11, 2018). And, a former Hill staffer submitted, “Trade battle lines are no longer driven by party,” an assertion has yet to withstand the test of time (Interview, January 29, 2018).

Political rewards associated with policy areas other than defense were additionally characterized as somewhat more dispensable. As such, an example from agriculture trade policy was shared by another seasoned lobbyist:

Clinton was well-versed in ag policy, a product of his Arkansas roots and time as governor. He understood the policy greatly but never really carried the ‘Farm vote.’ He did not want it to be an issue either so he paid attention to it and it paid off at the state level, where it mattered. Obama lost the support of rural farmers and environmental groups associated with ag policy because he let it become an issue. He did not pay attention to it (Interview, February 7, 2018).

In other words, while Bill Clinton generally did not politically carry those who cared most about Farm Bill policy issues, he did not that shortcoming to hurt him politically. So, he paid just enough attention to associated issues and constituencies to keep them in check and Obama did not, which ended up hurting him politically. The lobbyist further

submitted that irrespective of party affiliation, ag trade issues were at top priority for members in Congress due to recent policy volatility (Interview, February 7, 2018). He cited Trump administration actions on the Trans Pacific Partnership (withdraw), North American Free Trade Agreement (threatened withdraw), and Korean and Chinese tariffs (threatened increases), as reason for growing fear that the U.S. would “quickly fall behind others” like Australia, India, and Japan with regard to economic and political power in the region if not careful, especially if the U.S. could not be trusted as a reliable supplier which played havoc on markets (Interview, February 7, 2018).

To emphasize his point, the lobbyist recalled how President Carter’s embargo on U.S. grain destined for the Soviet Union (used as a stick to deter aggression in Afghanistan) was more broadly damaging to U.S. economic interests because the U.S. was labeled an unreliable supplier in global markets (Interview, February 7, 2018). Viewed as worsening already tough economic times in the U.S., Congress changed the law to limit the president’s ability to use food as leverage in international politics (Interview, February 7, 2018). In that case, unity in Congress came from domestic political and economic incentives and trumped a White House response to international political pressures—notably, no U.S. forces were immediately in harm’s way. Along those lines, one think tank expert mused: “Stock market; interest rate increases; value/strength of the dollar; employment rates in the U.S.; immigration levels. You’ll notice there isn’t much internationally that actually CHANGES the decision making of Congress. It might inform some debates but is unlikely to change much” (Interview, February 6, 2018). In other words, there is an underlying sense of unity in Congress when it comes to crossing a threshold that elicits a response to international pressures, regardless of ideological sway.

Wholly, as revealed in interviews, policymakers could politically afford to pay less attention to issues of international consequence when security was not an underlying factor—meaning American lives or vital interests<sup>20</sup> were not immediately at risk. Succinctly put by one think tank scholar: “The Farm Bill and Highway Bill are the same: resource allocation bills without the moral imperative of committing and supporting troops to combat and without the threat of consequences from inaction” (Interview, January 23, 2018). Additionally, a CRS expert noted, “The Highway Bill was no more than an “earmark-fest,” much the same as the Farm Bill; a way to logroll and to pay back people they owed, a chance to exercise politics (Interview, December 14, 2017). A different CRS defense policy analyst and former professional committee staffer encapsulated another view:

Defense matters are personal to members in justification. As for the Farm Bill, food policy is just not as personal. Transportation issues are more parochial. [Members] need to have a big project at stake for them to care about the Highway Bill, otherwise they don’t have skin in the game. Infrastructure can take decades of investment to build a dependent constituency on; it is more bipartisan with defense due to priority.

While the Farm Bill, the Highway Bill, and the NDAA were all acknowledged as being subject to distributive politics, the latter was viewed uniquely. Other policy types were not viewed as sharing the same consequences when international political pressures were addressed as a corollary and therefore viewed as less politically risky. Summarily, incentives for collaboration on defense policy were essentially viewed as unmatched compared with the other areas discussed.

---

<sup>20</sup> Vital interests, as defined by Deibel (2007) include the pursuit of security and prosperity, the preservation of societal values, and the ability to project those values abroad.

## The “information gap”

When asked why defense policy in Congress might be approached by members in a more collegial manner especially in light of international political pressures weighing on legislation like the NDAA, “the information gap” another consistent theme. A former homeland security and transportation policy staffer used the phrase specifically when he shared the following insight during a telephone interview on April 3, 2018:

The average American voter does not really have the time or inclination to independently verify the state of national security and assess it with any accuracy. So, they depend on what policymakers tell them about their security and must trust whether or not it is true. What matters is whether or not they feel safe and whether they feel they can trust their leaders to keep them safe. They delegate national security to [Washington] D.C. and because of the “information gap” the public doesn’t have to deal with the realities of national security.

The need to feel secure and to have confidence in the nation’s leaders that they know what needs to be done and are doing what is necessary to ensure national security is unifying. People believe what they are told about the nation’s security because they do not follow it daily and are limited in their ability to access information to verify or counter what they hear from public officials. Everyone wants to be secure though. There is unity in rhetoric calling for security. You cannot lobby against it.

Essentially, rallying the masses regardless of ideology to address an issue (especially a threat) on the international front is easier because the public has no real way to verify what policymakers tell them about the threat and what must be done to mitigate it. The MLA of a HASC member agreed in an interview on February 1, 2018, and noted it wasn’t just policymakers who stirred solidarity in their rhetoric on international policy matters, be it informed or not:

Many [of the public] they think they are “informed” by talk radio on both sides. They are engaged but get their information from unreliable sources which is damaging and influences how they respond to their policymakers. Many constituents love the troops and hate terrorists but they’re not exactly sure why.

The average citizen sees when the price of produce goes up in their grocery bill and may

navigate crumbling roads on their way to work every day. But, they do not have access to classified intelligence reports that indicate where the next terrorist attack might be. That information gap as a means to explain the collegial approach to defense policy formulation was echoed by others too, to include a foreign and defense analyst from a prominent Washington think tank:

[T]he public is not in tune with what is going on in Iraq and Afghanistan after 17 years at war. Members only really pay attention to constituents' opinions when it comes to events of more immediate consequence like the recent ambush incident in Niger, the first American casualty in Syria, etc. The public is rarely aware of specifics regarding troops in harm's way and therefore members are not really influenced much by constituents when it comes to determining an approach to associated policies.

There is a difference between HASC and SASC members and the rest of the rank and file when it comes to defense policy. [Defense committee] members are more acutely aware and usually supportive of operations abroad (emphasis added). Both influence the level of support they will demonstrate for the NDAA. (Interview, January 29, 2018)

Another defense policy staffer with twenty years on the Hill qualified the last point and gave credence to the idea that the rhetoric of members "studied up" on international political pressures were respected and garnered followers: "Members on the HASC seem to be more informed about the issues and intellectually involved" (Interview, January 26, 2018). Additionally, as discussed in Chapter 4, members tend to follow the lead of their colleagues by way of the committees they are assigned to. In other words, non-defense committee members tend to follow HASC members on security policy matters. And, both may look to the president to fill their information gap, as exemplified in cases studies later in this study.

Nonetheless, the trust placed in elected leaders and other public officials to guide with fortitude given the information gap was also characterized as fragile: "The [2003] Iraq War was a breach of trust on national security issues that led to a less secure feeling

on the left and right, especially on the left,” cited a former congressional staffer (Interview April 3, 2018). He continued, “9/11 changed things significantly with regard to how safe people feel due to the nature of the threat. People feel less safe now and there are most domestic constituencies to support our security.”

In summary, the American people are compelled to trust policymakers (and policymakers their colleagues) when it comes to the veracity of pressures emanating from the international political arena, as the average citizen does not necessarily have access to the same information elected officials do, nor do they have the means (nor the interest) to verify such information. As a result, policymakers can take advantage of the resulting “information gap” to build coalitions around narratives that advocate means to address international pressures (especially threats).

### **Summary analysis of interview observations**

Security, first and foremost, was identified as why defense policy formulation is perceived to be more collegial than other policy issue areas. Citizens feel more secure in the notion there is consensus on the issue and that something is being done to ensure their safety. Policymakers, and Americans in general, band together when their way of life, values, or vital interests are threatened. The consequences of not providing adequate authorities or resources to counter threats from abroad greatly outweigh political and other risks associated with “getting it wrong” in other policy realms—over 3,000 Americans killed on 9/11 is just one example, Pearl Harbor, another. As such, policymakers are uniquely driven toward collegial behavior on matters of defense policy, especially given possible risks of failure that could threaten American society and institutions.

Policymakers generally see eye-to-eye on America’s place on the world stage,

though may not fully agree on what to do about it. Nonetheless, views are common enough to provide a robust basis for collegial discourse on policy and legislation to address international political pressures.

Presidential leadership can, and often does, play a significant role in aligning policymakers in Congress on how to best address political pressures from the international arena. Historically, members of Congress fall in line to support the executive in times of national crises or when faced with an immediate threat from abroad. Members may follow the president for the sake of political solidarity or for fear of political repercussion, among other reasons.

The Highway Bill is essentially a product of distributive politics. Even the federal highway system, justified in part for national defense purposes, is ultimately a product of resource allocation. There are winners and losers and log-rolling to balance the field. The Farm Bill is largely the same, though some aspects—namely trade—are directly subject to global markets and international political pressures. Tariffs and food aid are also tools of diplomacy and economic development that engender opportunities leading to an ultimate goal of increased prosperity for all Americans. Yet, security is a precondition of the prosperity generated by stable commodity markets and transportation, benefits reaped in part from the Highway Bill and the Farm Bill. Defense policy is different because without security distributive politics are at risk. Economic discourse and growth require a minimal level of security to flourish. Livelihoods may be at risk with an economic slowdown or crises but lives of citizens are at risk (civilians and servicemembers) when it comes to security crises. Losses in the former are recoverable, improvements in well-being and overall quality of life only matter if one is alive to take advantage of those gains.

Americans want to feel secure. That said, they do not have the capacity to know the true nature of international threats nor if those threats are being effectively addressed other than from what policymakers tell them. That “information gap” can and is leveraged to build coalitions and advocacy to address threats regardless of partisan tendencies. As a result, the nation is more secure and policymakers gain politically when their constituents feel more secure.

### **Conclusion**

This chapter sought to identify factors from the international political environment that influence the collegiality of defense policy formulation in Congress. To do so, members of the policy community were polled about aspects of the international political environment likely to trigger more collegial behavior among policymakers—what truly motivates collaboration across the aisle? They were also asked to compare the defense policy process (specifically, the NDAA process) in Congress with that of other policy issues, to include agriculture and transportation policy (specifically, the Farm Bill and Highway Bill), with consideration for how pressures from the international political arena impacted each.

Primary factors identified by interviewees from the international political arena weighing on policymakers’ approach to the defense policy process were categorized into five thematic subsections: Security; America’s role in the world; Presidential leadership; Defense versus other policy areas; and, The “information gap”. Those themes also became the foundation for the historical case studies in the next chapter—a presentation of discussions operationalizing factors identified by interviewees in the effort to provide the most comprehensive explanation possible for how international political influences weigh on the political nature of defense policy deliberations. Together, they provide a



plausible evidence which helps better explain why defense policy formulation in Congress is often construed as more collegial than other policy areas.

## **Chapter 8 - International Influences: Case Studies**

The purpose of this chapter is to provide the final piece of this study's attempt to build a comprehensive picture of the factors that explain the perceived collegial nature of defense policy formulation in Congress. More specifically, it is focused on illustrating how pressures from the international political environment, as identified in interviews with members of the policy community presented in the previous chapter, were practically manifested in historical events and subsequently resulted in evidence of recognizable collegial discourse on defense policy among elected leaders in Congress. Those pressures include how concerns about security, America's role in the world, presidential leadership, and the "information gap," among other adjoining elements, incited members of Congress to lay aside otherwise strong partisan loyalties to collaborate on policy solutions.

To do so, three cases are presented. Each case represents a scenario during which international political pressures weighed on the United States uniquely, but also commonly in that each situation initially manifested notable partisan or ideological strife among members of Congress in addressing the issue at hand. In all three cases, often during which there were multiple failed attempts at finding common ground and considerable partisan obstacles, elected leaders eventually came together from both sides of the aisle to enact a joint policy solution to serve the national interest. To maintain continuity within the overall study, the time periods of the cases used in this chapter overlap those used in previous chapters: 1961-1966, 1993-1998, and 2007-2012. The first case from 1965, provides a recollection of how Congress dealt with a \$700 million supplemental appropriations request from President Lyndon B. Johnson (LBJ) to Congress to enable a notable escalation of U.S. military operations in Vietnam. The

second case examines hard fought events that eventually led to wide bipartisan support in Congress for the deployment of U.S. military personnel to Bosnia to support the Dayton Peace Accords in 1995. The third and final case examines how President George W. Bush announced, funded, and succeeded in the employment of a surge of the Iraq War in 2007 despite sagging public confidence and faced with a newly-elected Democratically-controlled Congress with a mandate to end the war in Iraq. All three cases consider pressures from the international environment at the time that eventually led to cooperation in Congress despite political strife within the domestic political context.

### **Case 1: Vietnam**

On May 5, 1965, H.J. Res. 447 passed the House with a roll call vote of 408-7 (Poynter and Poynter 1965, 180). Much like the 1964 Gulf of Tonkin resolution which authorized U.S. military action in Vietnam, H.J. Res. 447 passed the House and Senate with sweeping bipartisan support and authorized the reprogramming of \$700 million in defense funds to help pay for a marked escalation of the war in Vietnam (McMaster 1997, 282-283). The legislation demonstrated strong solidarity in Congress despite dissenting voices advocating for a more diplomatic policy, or just to pause to examine the matter further. It was the first time the administration had requested an appropriation specifically for Vietnam above the regular defense budget and therefore represented a material increase to U.S. commitment (Poynter and Poynter 1965, 180). As such, President Johnson suggested, “‘an overwhelming vote’ on the appropriation would clearly show national unity,” as well as, “prompt support for our basic course: resistance to aggression, moderation in the use of power and a constant search for peace” (Poynter and Poynter 1965, 180-181).

More broadly, the case of H.J. Res. 447 provides a marked example of how pressures from the international political environment led to exceptional cooperation in Congress which stemmed from: policymaker concerns about U.S. national security; the role of the U.S. in the world at the time; presidential leadership and influence in Congress; the “information gap” about what was actually happening on the ground in Asia versus what the public perceived and was told; and by the fact there were U.S. troops in harm’s way. In doing so, it helps validate interview evidence provided by members of the policy community (as presented in the last chapter) as to how political pressures from the international environment translate to exceptional bipartisan collegiality in deliberations over defense policy in Congress.

#### **Vietnam: U.S. role in the world and national security**

The U.S. role in the world at the time H.J. Res. 447 was passed, coupled with concerns for U.S. national security, were instrumental in driving exceptional bipartisan unity among members of Congress. The Cold War was at high tide in 1964, and for all intents and purposes, the conflict between the Soviet-backed Communists in North Vietnam and the weak democratic government in the South was a satellite manifestation of that War. “The Cold War had begun with a call to support democracy and liberty across the world...[and] the containment policy migrated into the fringes of Asia” (Kissinger 2014, 296). If South Vietnam fell to the communists, the “Domino Theory” conjectured that the rest of Asia would also fall in succession, not to mention provide confidence for communist revolutionaries to act in other places around the globe (Kissinger 2014, 297). While “America’s initial motivation involving itself had been that the loss of Vietnam would lead to the collapse on noncommunist Asia and to Japan’s accommodation to communism...America was fighting for itself, [its own security,]

regardless of whether South Vietnam was democratic or could ever be made so.”

(Kissinger 1994, 658). That Cold War mindset was accepted as common knowledge by policymakers in Congress and supported by the Eisenhower, Kennedy, and Johnson administrations.

A young Congressman at the time, Donald Rumsfeld (2011, 72) recalled the time only a few years after the Cuba missile Crisis: “the Communists were testing American resolve on several continents. It was hard, if not impossible, to ignore the challenge the Communists were posing in Southeast Asia.” There were instances of hesitation in Congress as to the exact objectives and U.S. national interests in Vietnam, even early on, but ultimately little argument as to the validity of the Domino Theory and the imperative that the U.S. must stop it to contain the spread of communism.

Many also pointed to America’s post-World War II undertaking in Europe as validation intervention in Vietnam was worth the effort. The economic and political successes of the Marshall Plan were clear, preserved by President Eisenhower’s containment policy via the NATO alliance (Kissinger 2014, 297). As such, intervention in Vietnam was “initially supported by a considerable majority and raised to its existing dimensions by a president, [John F. Kennedy], citing universal principles of liberty and human rights...” (Kissinger 2014, 298). Fighting for such values was viewed as an extension of the ideological Cold War battle between the Soviets and the United States, and “with each passing month, America’s stakes were raised further” (Kissinger 1994, 657).

Summarily, support for H.J. Res. 447 was construed to be a vote for America and its role as world leader in ensuring the preservation of liberal democratic values—the polar opposite of what the Soviet Union represented in the global ideological battle. It

could also be correlated directly to the nation's security, an investment worth the risk as illuminated by the existential threat Soviet missiles in Cuba had presented just a few short years prior. As a result, the sweeping reception of H.J. Res. 447 by both sides of the aisle in Congress as motion to ensure U.S. security and affirm America's commitment to their Cold War role was wholly understandable.

### **Vietnam: Presidential leadership**

As already alluded to, presidential leadership on the question of funding an escalation to U.S. military involvement in Vietnam, per H.J. Res. 447, could also be attributed to bringing members of Congress together in a unique display of collegiality. Having spent decades of his political career in both the House and Senate, LBJ understood both institutions well, to include what facilitated its processes and incentivized its members to action.

In that light, Johnson sent a message on May 4, 1965 to the House and Senate foreign relations committees, armed services committees, and appropriation committees (Poynter and Poynter 1965, 180). The President framed support for the request in H.J. Res. 447, would be interpreted as, "Congress and the President stand[ing] united before the world in joint determination that the independence of South Viet Nam shall be preserved and Communist attack will not succeed" (Poynter and Poynter 1965, 180). The Senate minority leader, Everett McKinley Dirksen (R-IL) took such rhetoric as goading from the White House: "You criticize the war-making power of this Administration and your aiding Communism," yet, he ultimately voted for the measure (Poynter and Poynter 1965, 181). Democratic House members, like Appropriations Committee Chairman George H. Mahon (D- TX) noted, "the President asked us [Congress] to counsel with him and work with him, as members of the team." a view apparently taken by the vast

majority of House members from both sides of the aisle as demonstrated in the final 408-7 roll call vote by which the measure passed (Poynter and Poynter 1965, 181).

As a leader of the American people and the Democratic Party, LBJ also had to compete with the shadows of his popular predecessor and the legacy of the policy agenda JFK initiated before his assassination in 1963. Despite JFK's popularity, Henry Kissinger assessed "each successive reinforcement to Vietnam made [President Kennedy's] choices more stark, and the consequences of either commitment or withdraw more painful and costly" (Kissinger 1994, 657). LBJ was the recipient of that legacy and would otherwise "have to jettison the apparent policy of a revered, fallen predecessor," not to mention, "none of the advisors he inherited from Kennedy made the recommendation to disengage" with the exception of Undersecretary of State George Ball (Kissinger 1994, 657). "It would have taken a leader of truly extraordinary self-confidence and knowledge to undertake a retreat of such magnitude so soon after taking office. And when it came to foreign policy, Johnson was extremely unsure of himself" (Kissinger 1994, 657). He solidified that stance by invoking President Eisenhower's support for his actions in Vietnam, essentially using of a respected general and former president of the other party to build a bipartisan fortification (Rumsfeld 2011, 71). So, LBJ carried forward the momentum of the leadership of his predecessors provided in making his case for the \$700 million request in H.J. Res. 447 to Congress.

At Johnson's prompting, the House passed the Gulf of Tonkin Resolution in August of 1964 (Poynter and Poynter 1964, 331). Immediately before the second attack by the Viet Cong that precipitated the resolution, LBJ "told legislators that if there was another attack, the United States would have to retaliate" and he hoped, "Congress would pass a resolution follow retaliatory action to demonstrate the government's solidarity

behind both the reprisal and his Vietnam policy in general” (McMaster 1997, 125). The legislators agreed with the president on both accounts—the need for a resolution and that military action was necessary should another attack occur (McMaster 1997, 125). As a result, the Gulf of Tonkin Resolution passed 414-0 in the House authorizing the use of military force in Vietnam (Poynter and Poynter 1964, 331). Donald Rumsfeld, conjectured: “Johnson clung to that vote like a life preserver” to qualify clear bipartisan support for escalation of the war from that point forward” (Rumsfeld 2011, 71). He further mused: “After Johnson became president and the American war effort expanded, I was willing to support a more robust military campaign in Vietnam, as were many other members of Congress” (Rumsfeld 2011, 70).

#### **Vietnam: Troops in contact**

President Johnson also invoked bipartisan support in Congress for H.J. Res 447 by appealing to the needs of troops in the field. More American lives had been lost in Vietnam in 1964 than the previous three years and it had only gotten worse in 1965 (Poynter and Poynter 1964, 331). The President argued a vote against the bill was a vote against those troops and would be a slap in the face to the families of the 400 Americans already lost in the conflict to that point (McMaster 1997, 282). “Rhode Island’s Claiborne Pell, a Democrat, observed, voting against the appropriation would have been ‘like voting against motherhood’” (McMaster 1997, 283).

#### **Vietnam: The information gap**

Finally, over time it became clear the information gap between what the Johnson White House portrayed as the situation on the ground in Vietnam in 1964-65 and its reality were not aligned and was used repeatedly to foster wide political support by members of Congress and the public. Former National Security Advisor H.R. McMaster



(1997, 125) concluded that the restraint LBJ demonstrated in response to the attacks on the U.S. destroyer, *Maddox* in the Gulf of Tonkin and his downplay of associated events were to garner widespread support. “His holding strategy was consistent with poll results showing that two-thirds of the American public paid little attention to the situation in Southeast Asia. A July, 1964 poll conducted in Maryland indicated that voters cared little about foreign policy issues in general” (McMaster 1997, 125). “[Johnson] wanted to appear reluctant to order military action” as the frontrunner in the upcoming presidential race and support peace as most Americans did (McMaster 1997, 125). Henry Kissinger agreed with McMaster’s assessment, “[T]he Tonkin resolution was not based on a full presentation of the facts” (Kissinger 1994, 658).

Taken together, it was clear President Johnson’s demonstrated leadership, based on his intimate understanding of the politics and processes of Congress, support for the legacy and guidance of his predecessors, his exploitation of the information gap, and for the plight of troops lost and for those still in harm’s way, were attributable to the wide margin of bipartisan support H.J. Res. 447 ultimately enjoyed in the Congress.

Collectively, the path of H.J. Res. 447 through Congress showed how pressures from the international political environment led to exceptional bipartisan support in Congress emanating from concerns over U.S. national security, the role of the U.S. in the world at the time, presidential leadership and its influence over members of Congress, manipulation of the information gap, and exploitation of the fact U.S. troops had been killed in Vietnam (and more were in harm’s way). Wholly, the case helps qualify the conclusions shared by members of the policy community as to how political pressures from the international environment translate to exceptional collegiality in matters of defense policy in Congress.

## **Case 2: Bosnia**

In late 1995, after the death of an estimated 100,000 people, the result of over three years of brutal fighting among factions within Yugoslavia's most ethnically diverse republic, the civil war in Bosnia looked to be at an end (Rosegrant 1996, 1). Despite pleas from Bosnia's president for the international community to intervene and growing evidence mass atrocities—genocide, rape, murder, torture—were occurring, the United States and Europe both refused to commit ground troops to quell the violence and instead left the task to United Nation (UN) peacekeepers (Rosegrant 1996, 1). The scenario stirred tremendous debate in Congress as to U.S. commitments and responsibilities and its members were divided by the issue, though clearly not along partisan lines. As a negotiated settlement between the warring Bosnian parties was finally underway at an air force base just outside Dayton, Ohio, the intense political strife within the Congress and between the Congress and the White House as to accompanied U.S. policy also culminated in reconciliation (Rosegrant 1996, 40-41). Concerns over national security, America's role in the world, the influence of presidential leadership, and the possibility of placing U.S. ground forces in harm's way, gave members of Congress from across the political spectrum strong incentive to find common ground on the issue. As product of the international pressures stemming from the war in Bosnia, those factors help illustrate why members of the policy community concluded their reasoning about the collegial discourse that underlies defense policy deliberations in Congress.

### **Bosnia: To deploy, or not to deploy?**

The primary debate among policymakers regarding U.S. involvement in the war in Bosnia circulated around whether or not to commit American ground forces. Early in the debate the question was whether or not to send U.S. troops to relieve UN

peacekeepers deemed underequipped and unprepared to handle the mission they had been charged to prosecute. “Lawmakers sought strict limits on the use of troops” to “help extricate beleaguered UN peacekeepers, should the war intensify” (Austin 1995, 10-10). By late fall of 1995, as it became apparent a peace agreement was in sight, the question policymakers faced transitioned to whether or not U.S. ground forces should be deployed as part of a NATO peacekeeping element that would help enforce the expected peace agreement.

The debate over deploying U.S. troops pitted members against each other, regardless of party, throughout the three years the war raged. Yet, the majority of members within the GOP-controlled Congress did not support the deployment of troops the Clinton White House was insistent upon. “Most Republicans and many Democrats, particularly in the House, vehemently opposed the deployment” of the 20,000 U.S. ground forces promised by President Clinton, without the consent of Congress, to help facilitate a NATO force to police the peace effort (Austin 1995, 10-10). During one House floor session, after recounting cases of the atrocities occurring on the ground, Representative Frank Wolf (R-VA) proclaimed, “ending the war in Bosnia was a moral issue—‘forget the geopolitical things’” (Austin 1995, 10-13). On the other side, Wolf’s Republican colleague, Larry Combest of Texas, Chairman of the House Intelligence Committee, whose son had served as a Marine just a few years prior in the 1991 Gulf War, emphasized he would not send his son, or anyone else’s son to Bosnia (Austin 1995, 10-13). The differing views between Wolf and Combest illustrate the divide across the Congress at the time, regardless of party. House Speaker Newt Gingrich was “scathingly critical” of the deployment, for example, but shared Clinton’s view that the U.S. “had high stakes riding on the success of the Bosnian peace effort” and the form of U.S.

involvement in the resultant peacekeeping mission “was essential to the preservation of U.S. leadership in Europe” (Austin 1995, 10-14). On the other hand, from early on Senate Majority Leader Bob Dole (R-KS) supported a limited U.S. deployment to relieve UN peacekeepers and the lifting of a UN sanctioned weapons embargo, of which, “There was no dispute that the ban had worked to the advantage of the Serbs,” accused of carrying out atrocities (Austin 1995, 10-12). Ultimately, much of the debates stemmed from the perceived U.S. role in the post-Cold War, post-Gulf War environment.

### **Bosnia: U.S. role in the world & security**

Much of the debate in Congress stemmed from the unsettled role the United States had in the world at the time. A primary question was whether or not the U.S. had the right or interest to intercede into the civil war of a sovereign nation. Some looked to the justification of the 1991 Gulf War that liberated Kuwait as precedent, “Where vital American interests *or* cherished values were imperiled and where the risks were reasonable, the United States should act,” as described by former U.S. Ambassador to the United Nations Samantha Power (2013, 261). While Serbia’s aggression against Bosnia was clearly recognized as an “international conflict, top U.S. officials viewed it as a civil war. And it was still not clear whether the rights of individuals *within* states would have any higher claim to U.S. protection or promotion than they had for much of the century” (Powers 2013, 261). That said, twenty-seven human rights groups and organizations, most for the first time in their history, to include the Quakers, “overcame their opposition to using force” and called for military intervention in Bosnia to stop the genocide taking place there (Power 2013, 434).

For many, the humanitarian crisis in Bosnia simply did not meet the threshold of the Weinberger/Powell Doctrine used to justify intervention in Kuwait and which

demanded: (1) vital interests to be at stake; (2) commitment to win; (3) clearly defined military and political objectives; (4) confirmed public and congressional support; (5) it was a “last resort” option that employed “decisive force” and had a “clear exit strategy” (Power 2013, 262). On June 5, 1995, in testimony before the Senate Armed Services Committee and House National Security Committee, Secretary of Defense William J. Perry admitted: “While the United States did not have a vital interest in Bosnia, it held security interest in containing the war” (Austin 1995, 10-10). The possible risk to NATO and to the stability of Europe concerned many, as a senior Clinton advisor put it: “It had become clear that continued failures in Bosnia was going to spill over and damage the rest of our domestic and foreign policy,” and passivity was no longer an option (Powers 2013, 436).

### **Bosnia: Presidential leadership**

With an eye to the opposition in Congress, President Bill Clinton tried to sidestep the Republican legislature when he could, especially as it became evident the cost for a U.S. deployment approached \$1 billion and lawmakers became more insistent he request formal authorization for any mission in Bosnia, just as had been done for the 1991 Gulf War. “In a clear attempt to avoid a battle on Capitol Hill, Clinton planned to use special drawdown and waiver authorities that did not require congressional approval” (Austin 1995, 10-11). A bipartisan group of Senators sent Clinton a letter on October 26, expressing serious concern that a solid case had yet to be made that a deployment was in the national interest and that a senior administration official announced that they “would not be bound by legislation barring the use of funds to deploy forces to Bosnia” (Austin 1995, 10-14). As a result, on September 29, the Senate voted 94-2 on a non-binding resolution expressing the sense of the Senate that the president request the approval of

Congress before any deployment was ordered (Austin 1995, 10-14). However, “Clinton insisted that foreign policy should not be made on Capitol Hill” (Power 2013, 423).

In an October 6 policy speech, Clinton implored that if the United States did not lead, the job would not be done (Austin 1995, 10-14). Earlier, the president argued that saving the U.N. peacekeeping forces would only require a “temporary” use of U.S. ground forces, done only after “consultation with Congress” and when requested by NATO, yet his “aides insisted the United States would not be dragged into the war” (Austin 1995, 10-10). The President’s reasoning was summarized in a July 1 letter to Senator Majority Leaders Bob Dole (R-KS):

Failure to provide that support would result in a split of the NATO alliance, heighten risk that the conflict would spread to neighboring regions, greater suffering by the Bosnian people, and an increased danger that we would need to insert a large number of U.S. forces as part of a potentially dangerous NATO withdraw operation. (Austin 1995, 10-11).

Ultimately, the president “acting what he considered sufficient authority under Article 2 of the Constitution and under NATO...ordered the deployment of American ground troops to Bosnia without obtaining authority or support from Congress” (Fisher 2012, 198-199).

### **Bosnia: Unity**

Starting on August 30, 1995, NATO warplanes began a relentless bombing campaign of Serb targets which convinced Serb leaders to cease the violence and work with Assistant Secretary of State Richard Holbrooke to negotiate a peace agreement (Powers 2013, 439-440). An agreement was reached in Dayton on November 21, 1995 (Rosegrant 1996, 44) and included a commitment by Clinton that a substantial U.S. ground force would adjoin the NATO-led force to keep the peace (Austin 1995, 10-15). In recognizing that the political consternation leading up to the accord could risk its

success, as well as risk the stature of the United States and that of the NATO alliance, and in attempt to convince the public the peace was worth the risk of American lives, Republican Senators Bob Dole and John McCain came out in strong support for the deployment of U.S. troops to enforce the peace deal (Power 2013, 440-441). This was especially notable on Dole's behalf, as he was President Clinton's primary challenger in the upcoming 1996 presidential campaign (Powers 2013, 441).

The peace announcement also resulted in a flurry of mixed messages from members of Congress on both sides of the aisle, all of which ultimately shied away from cutting off funds for the impending deployments (Austin 1995, 10-15). At least five resolutions debated in the House and Senate leading up to the December 14 signing of the Balkan peace accord in Paris were rejected, all seen as primarily politically motivated and a threat to the peace (Austin 1995, 10-15). "In the end Dole helped convert twenty-eight Republicans to Clinton's cause" by convincing his colleagues that allowing atrocities to continue in Bosnia were inconsistent with American values, especially if the U.S. had the ability to intervene and, as he said, "because we happen to be the leader of the world" (Power 2013, 441). The Senate adopted Dole's S.J. Res. 44 by a vote of 69-30 and the House approved bipartisan H. Res. 302 by Steve Buyer (R-IN) and Ike Skelton (D-MO) on December 13; both resolutions demonstrated a realistic acceptance of the situation and support for the troops for the greater good of the nation (Austin 1995, 10-15).

The two-thirds majority enjoyed by both resolutions in their respective chambers was coupled with strong bipartisan supported funding provided in the 1996 defense appropriations bill (which included \$7 billion more than the president requested for the Bosnia deployment) (Austin 1995, 10-15). The combined rhetoric and material support was strong evidence defense policy could transcend the most tumultuous debates despite

looming election dynamics, unprecedented foreign policy measures, and divided government. As such, pressures from the international political arena led policymakers to consider implications of placing U.S. troops in harm's way, the president's leadership messaging, and the security interests of the U.S. and its allies, among other factors, thereby helping to qualify conclusions of experienced public policy experts as to reasons for the especially collegial discourse found in defense policy formulation.

### **Case 3: The 2007 Iraq Surge**

Despite a devastatingly unpopular war in Iraq characterized by mounting casualties and little public faith for prospects of success at the beginning of 2007, President George W. Bush garnered enough support and funding from the newly-elected Democratic majorities in Congress to deploy a surge strategy that turned the tide of the war. This was a stunning political feat considering the new Democratic majorities in both chambers were elected largely on the promise to end the war in Iraq (Austin 2007, 6-10). While Democrats had the majority caucus in the Senate, they fell short of the 60 votes required to counter filibuster attempts and nonetheless set out early to link funding for the war with time limits and benchmarks for withdrawal (Austin 2007, 6-10). Instead, the new Congress ultimately authorized and funded an escalation of the war during its first year in office—the “Iraq Surge.” This was despite isolation of both the NDAA (PL 110-181) and the defense appropriations bill provisions (PL 110-116) from the war, amendments to those bills and stand-alone supplemental spending legislation targeted instead to realize a withdrawal agenda (Austin 2007, 6-10). The president's successful political maneuver in the face of such odds can be attributed, in part, to the themes identified in interviews with members of the policy community as to why defense policy formulation, in the context of pressures from the international political environment, is so



frequently able to transcend even the most vitriolic partisan situations to arrive in a settled bipartisan agreement. In the case of the Iraq Surge of 2007, presidential leadership, concerns over security, the information gap, and troops in harm's way were all factors that contributed to that bipartisan outcome.

### **The Surge: Presidential leadership, security, and the information gap**

The situation in Iraq between 2004 and mid-2007 was dismally violent—the U.S. military averaged almost 100 dead and 700 wounded per month by late fall of 2006 and civilian deaths topped 1,500 per month by August of that year (Biddle, Friedman and Shapiro 2012, 2). “[M]uch of Congress, most of the media, and a growing majority of Americans had lost patience with the war in Iraq” (Gates 2014, 49). On January 10, 2007, in an attempt to turn around the devastating freefall in public support for the war, President Bush in an address to the nation, announced a 30,000-soldier fortification of the U.S. presence in Iraq in addition to a new commander, General David Petraeus, and a new strategy for the employment of U.S. forces there (Biddle, Friedman and Shapiro 2012, 2). According to his Secretary of State at the time, Condoleezza Rice (2011, 590), President Bush was worried that he may not be able to hold a domestic consensus together long enough for the surge to work.

The president addressed the “information gap” with the American people and the media in an attempt to build trust in the new strategy. To do so, he acknowledged the current path was failing them and Iraq, and he took responsibility for it while also invoking the efforts of troops in harm's way: “The situation in Iraq is unacceptable to the American people -- and it is unacceptable to me. Our troops in Iraq have fought bravely. They have done everything we have asked them to do. Where mistakes have been made, the responsibility rests with me” (White House 2007).

To solicit deeper public confidence and acknowledge the resonance of the recent election which placed Democrats in charge of Congress, Bush emphasized his deferral to the help of others in constructing the new strategy: “We benefitted from the thoughtful recommendations of the Iraq Study Group, a bipartisan panel led by former Secretary of State James Baker and former Congressman Lee Hamilton....[W]e all agreed that there is no magic formula for success in Iraq. And one message came through loud and clear: Failure in Iraq would be a disaster for the United States” (White House 2007). The president’s confidence in the counsel he received from the Iraq Study Group was bolstered by him naming one of its members, Robert Gates, to be the next Secretary of Defense, replacing Donald Rumsfeld who had personified the war for the White House since its earliest days (Rumsfeld 2011, 707). Gates (2014, 48) recalled the moment as one of only three over forty-five years serving eight presidents in which, “a president risked reputation, public esteem, credibility, political ruin, and the judgement of history on a single decision he believed was the right thing for our country.”

The president also gave a nod to the Congress specifically, again to emphasize shared ownership of the challenge and to establish confidence in the new path forward:

This new approach comes after consultations with Congress about the different courses we could take in Iraq...Acting on the good advice of Senator Joe Lieberman and other key members of Congress, we will form a new, bipartisan working group that will help us come together across party lines to win the war on terror. This group will meet regularly with me and my administration; it will help strengthen our relationship with Congress. (White House 2007).

His message to Congress foreshadowed a softer path than the road that was actually taken over the next year: a caustic one, full of vetoes and veto threats, partisan vitriol, and repudiation from Democrats and members of his own party, alike.

Finally, Bush outlined the underlying reason why success of the surge was necessary—to preserve U.S. national security:

The consequences of failure are clear: Radical Islamic extremists would grow in strength and gain new recruits. They would be in a better position to topple moderate governments, create chaos in the region, and use oil revenues to fund their ambitions....Our enemies would have a safe haven from which to plan and launch attacks on the American people. On September the 11th, 2001, we saw what a refuge for extremists on the other side of the world could bring to the streets of our own cities. For the safety of our people, America must succeed in Iraq. (White House 2007).

The rhetoric regarding security was familiar, however. They were the same which had been used since the days immediately following 9/11 to justify the military response in Afghanistan, and perhaps the only holdover in the new strategy announced that evening.

“And then all hell broke loose.”

--Secretary Gates (2014, 48), referring to the surge proposal’s reception by Congress.

### **The Surge: Congress and the new Democratic majority**

Almost immediately, from the start of the 110<sup>th</sup> Congress, Democrats sought means to legislate an end to the war in Iraq. However, shy of the 60 votes they needed in the Senate to avoid a filibuster, and given most Republicans were not yet willing to forsake the President’s wishes on Iraq, the new majority won only a series of symbolic victories. A bipartisan coalition repulsed attempts to stop the surge, let alone the war (Austin 2007, 6-10).

Summarily, it was “a combination of Republican unity and Democratic disunity that prevented Congress from limiting the president’s ability to implement and fund the

surge” (McHugh 2015, 9). The effort began in February when Senate Majority Leader Harry Reid (D-NV) tried to open debate on the bipartisan Warner-Levin resolution; despite the Democrats being joined by seven Republicans, it was “blocked by several Republican filibusters over a period of two and half weeks” (McHugh 2015, 9). When Reid tried again later, Minority Leader Mitch McConnell demanded “further debate on the Warner-Levin resolution be accompanied by a debate on two pro-surge resolutions” (McHugh 2015, 9). In March, 48 Senators, including one Republican, voted for a resolution that failed by two votes, called for the redeployment of troops from Iraq, and garnered criticism from the White House as an attempt to undercut commanders in the field (McHugh 2015, 9). Not restricted by filibusters, the Democratically-controlled House passed a non-binding resolution on February 16, sponsored by Ike Skelton (D-MO), which opposed the surge and collected support from 17 Republicans and lost only two Democrats in the 246-182 roll call vote (McHugh 2015, 9).

In the meantime, Secretary Gates put into place a three-prong strategy to engage with Congress and convince members that the turn in tide was worth supporting (Gates 2014, 50). The first aspect of his strategy submitted that a troop drawdown could begin at the end of 2007 should the surge strategy demonstrate success; the second called for a high-level review and report by General Petraeus no later than September as to the progress of the surge to that point; and the third “focused on media and the Congress itself,” aimed to acknowledge and legitimize the concerns of the many critics with respect (Gates 2014, 50). “The strategy largely worked, for a number of reasons,” which included: the conditions on the ground started to change as early as July; the president stayed firm in using or threatening to use his veto power; Senate Republicans largely stuck together; and finally, “in matters of national security, Congress absolutely hates to

challenge the president directly,” especially if it meant they might share blame should things go terribly wrong (Gates 2014, 51). So, presidential leadership (veto power), security, the information gap, and the fact that there were troops in harm’s way—all elements identified by the policy experts interviewed for this study—Gates employed to ensure unity in Congress and hold the line for the surge.

The House continued its effort to derail the surge via supplemental appropriations bills: one in March (H.R. 1591) which required withdrawal by August 2007 and passed 218-212, and one later in November (Austin 2007, 6-10). The Senate passed the first version of H.R. 1591 51-4, which directed goals be set for withdrawal instead of mandating it (as the House version did), and while that provision was accepted by the House in conference, the bill was still vetoed by President Bush on May 1 (Austin 2007, 6-10). The veto override vote failed to garner the two-thirds required and in its place the House sent another bill (H.R. 2206) that had no timetable for withdrawal (Austin 2007, 6-10). The new bill, however, directed funds be withheld until the president sent to Congress a progress report on benchmarks the Iraqi government was to meet, which in turn triggered another vote to actually release the funds; the House passed that bill on May 10, 221-205 (Austin 2007, 6-10). The House later passed an amended version 280-142 with 18 specific benchmarks, the Senate passed it 80-14 on May 24, and President Bush finally signed it into law the next day—over 100 days after it was requested (Austin 2007, 6-10).

Several other bills attempting to limit the war effort in Iraq were considered in the interim between May and the November. However, the slim majority Democrats had in the Senate was not wide enough to accommodate the passage of any of the Senate proposals, nor any of the several bills the House passed (Austin 2007, 6-11).

Furthermore, it was noted Republicans had been effective at changing the narrative associated with the war, equating not supporting the war to not supporting the troops, a label the vast majority of members from either side of the aisle did not want to stomach.

Republicans had succeed[ed] in redefining the terms of the debate, making opposition to the surge synonymous with harming the troops. For example, then-Senator Barack Obama, a vocal opponent of the war, was hesitant to support future funding restrictions, noting that no one in the Party “wants to play chicken with our troops.” (McHugh 2015, 9)

“Another outspoken critic of the war, Democrat Carl Levin, chairman of the Senate Armed Services Committee, supported funding of the surge; as he explained, ‘I don’t want to send a message that we are not going to provide funding for the troops.’” (McHugh 2015, 9).

With November came a requirement to appropriate supplemental defense funds to ensure seamless funding for the Pentagon between the end of 2007 and the start of the new year, also viewed as another opportunity to legislate a forced a withdrawal from Iraq. The first emergency spending bill, H.R. 4156, passed the House 218-203, and included a 30-day withdrawal timeline to be completed by December 15, 2008 (in addition to several other limitations on the training and equipping of deploying personnel) (Austin 2007, 6-10). The bill died in the Senate, unable to garner the 60 votes needed to invoke cloture (Austin 2007, 6-10).

During this process, as with the one earlier in the year, President Bush was consistent in his leadership tactics, demanding his request for emergency defense funding be fulfilled before the end of the congressional session or he would veto the end-of-year omnibus appropriations package (which funded the rest of the government) (Austin 2007, 6-10). In essence, he threatened to shut down the government unless the Congress sent him a bill he felt he could sign—without Iraq restrictions. Calling his bluff, in mid-

December the House passed another version of the defense appropriations bill (H.R. 2764) by five votes, but it limited the \$31 billion it appropriated to only being used in Afghanistan (Austin 2007, 6-11). The Senate reworked the bill, upped it to \$70 billion (able to be used in Iraq or Afghanistan) and left withdrawal language out (attempts were made to add withdrawal provisions but they did not meet the 60-vote threshold required) (Austin 2007, 6-11). They sent it back to the House with a strong bipartisan vote of 76-17 (Austin 2007, 6-11). The House passed the amended bill on December 19, the last day of the session, 272-142, with the support of all but one House Republican and 78 Democrats, the rest of which voted against the measure (Austin 2007, 2-59).

The turnaround was an astounding feat for Bush and congressional Republicans. They were in the minority in both chambers of Congress and faced a Democratic majority with a fresh mandate to end an unpopular war led by an unpopular president. However, the war, to include a surge of troops, was fully financed by two appropriations bills with minimal limitations, no withdrawal mandate, and with support from members of both caucuses. Additionally, the omnibus bill that funded the rest of the government passed on White House terms at the end of the year, avoiding a government shutdown. Despite all the partisan churn over the war, the president demonstrated strong leadership in his resolve with Congress on the surge. He defined the surge as a vital security matter which helped fill in the “information gap” with a favorable narrative and emphasized its role of ensuring the safety of servicemembers in harm’s way. Collectively, these attributes again reinforced conclusions of those interviewed from the policy community. More specifically, when it came to responding to pressures from the international political environment, presidential leadership, assurances of security, and working within the

information gap to build trust and support, were all factors elemental in reaching consensus on defense policy despite the terribly trying domestic political times.

### **Summary Analysis of Case Studies**

This chapter delivered the final piece of the study's effort to build a comprehensive picture of institutional, domestic, and international political factors that collectively explain the perceived collegial nature of defense policy formulation in Congress. To do so, it illustrated how pressures from the international political environment, as identified in interviews with members of the policy community in the previous chapter, were reflected in events from U.S. legislative and political history and led to notable collegial cooperation on defense policy matters among members of Congress. Specific pressures illustrated in the case studies included how concerns about security, America's role in the world, presidential leadership, and the "information gap," among others, motivated policymakers to transcend their partisan bonds in Congress to work together on substantive policy.

Three cases were examined, Vietnam, Bosnia, and the Iraq Surge, each representing a situation wherein international political pressures weighed on the United States and drove partisan rancor among members of Congress as to the policy matter in question. In all three cases, partisan obstacles were overcome, and elected leaders came together to see through a policy solution jointly that served the national interest. In the first case, members of Congress of all political stripe joined in approving \$700 million in supplemental appropriations to escalate U.S. military operations in Vietnam in 1965, per President Johnson's request. The next case examined the path that led to the deployment of U.S. military personnel to Bosnia to enforce the Dayton Peace Accords in 1995, a tumultuous policy road which eventually led to a hard-won bipartisan support in



Congress. The third and final case examined how the U.S. troop surge to support the war in Iraq in 2007 eventually gathered bipartisan support in Congress. That support came together despite dismal public confidence in the conflict and that President George W. Bush faced a newly-elected Democratically-controlled Congress with a mandate to end the war. All three cases presented demonstrable evidence that pressures from the international political environment weighed on the decisions of policymakers in Congress enough to motivate a collegial tenor – one able to overcome partisanship and drive cooperation on policy that moved the country forward.

## Chapter 9 - Conclusion

This study sought to answer whether or not defense policy formulation in Congress is more collegial than that of other policy areas. The question was inspired by an abundance of anecdotes, rhetoric, historic accounts, and scholarship that alluded to the notion that policymakers get along better when it comes to collaborating on defense related policy—a notion not substantively qualified until now. That is, the existing literature was woefully short of rigorous examinations as to why a bill like the National Defense Authorization Act (NDAA) has successfully passed into law every year for the past fifty-plus years without fail. What makes it a remarkable question, worthy of examination, is that the NDAA passed each year despite being faced with a variety of institutional, domestic, and international political influences and environments over time, to include the challenging contemporary era in which every instance of overcoming partisanship in Congress is viewed as a significant feat. Given the remarkably stable and consistent path of the NDAA, its history provided a unique study vehicle to help understand why defense policy seems to be approach in a more collegial nature than other policy areas.

The Farm Bill and the Highway Bill processes were chosen as comparative examples to test the collegial nature of the NDAA process against, since both bills, like the NDAA, also have a relatively consistent history as major authorizing legislation passing with relative consistency over time. However, despite their routine passage, the Farm Bill and Highway Bill have also both been entangled at times by partisan fights while the NDAA soldiered on. This circumstance inspired the hypothesis that elements within the institution of Congress, as well as factors from the domestic and international political environment, provide unique incentives for policymakers to approach the annual

NDAA with more collegial deference than that of the Farm Bill or the Highway Bill. To answer that question and fill gaps in the existing literature, members of the policy community were interviewed to provide insight, their insight coupled with analyses of legislative case histories over time to build a comprehensive picture that could help provide explanation.

Several verifiable reasons were demonstrated to plausibly explain why defense policy deliberations, specifically those focused on the NDAA process, have been routinely characterized over time as more collegial than other policy areas. Collectively, those reasons are best summarized by the conclusion that, for all intents and purposes, the NDAA is a de facto annual omnibus authorization bill with virtually unparalleled political and institutional momentum and member investment that actively serves individual policymaker interests as well as the overall public interest.

Finally, despite unveiling a wealth of evidence qualifying the notion that defense policy formulation in the House is more collegial, there are still questions to be answered as a result of the limited scope of this study. As such, while this study provides elucidation regarding the question at hand, it also just scratches the surface on myriad more as to the political nature of defense policy in Congress.

### **Hypotheses assessment**

There was clear evidence supporting the underlying hypothesis throughout this study. Credible interview accounts from members of the policy community and case studies from history provided validation as to the collegial nature of defense policy and reasons for it. However, the evidence was not wholly definitive in qualifying the main hypothesis: *The formulation of defense policy in the U.S. House of Representatives is approached with more collegiality than other policy issue areas, mainly due to*

*domestic, institutional, and international political pressures on members that transcend competing partisan motivations.*

Settling on how to operationalize *collegiality* as the dependent variable (DV) in a manner that satisfactorily captured the concept in the political environment was one of the more challenging aspects of the study design, especially if it was to be reliably tested and provide acceptable methodological rigor. That said, collegiality is relatively easy to recognize for those familiar with the policy process, especially if it appears in an otherwise vitriolic partisan atmosphere. Even though it may be easy to recognize, collegiality does not necessarily have a binary nature, making it difficult to effectively quantify. You cannot turn it on or off, it is not black or white. Though, while it is reputational, it is also measurable and roll call vote tallies were only one effective means used throughout the study to help measure it.

Along those lines, a single vote is an inadequate measure of collegiality. A policymaker does not pass a distinct threshold of collegiality at a point of collaboration during the policy process. He may actually cooperate for days or years on an issue and decide to vote against it the day of the vote. His decision might come for a variety of reasons that have nothing to do with the matters he collaborated on relentlessly with colleagues from across the aisle or with ideological opposites of the same party. However, if a vote in Congress – a single, purely binary measure was employed to capture his behavior for analysis, that individual could be inaccurately measured as anti-collegial. Conversely, richer qualitative evidence and contextual knowledge, counts him as fostering collegiality on the issue at hand. For example, the instance of the hate crimes provisions discussed earlier, added on as a last-minute Senate amendment, or repeal of the “Don’t Ask, Don’t Tell” policy, could be moral or ideological poison pills for a

member regarding a bill, or conversely, the reason for him to change his mind and vote for the final conference report.

Ultimately, I defined collegiality in a way that allowed both qualitative and quantitative investigation: *The exceptional and consistent cooperative interaction among colleagues over time that rendered legislation which garnered support of at least a bipartisan supermajority (two-thirds) of the House of Representatives upon its final passage.* I chose a spectrum of qualitative and quantitative tests to cast the widest net possible in seeking explanations for the decision behavior of policymakers—specifically, what factors incentivized them to work together when otherwise powerful political motives were at play.

First, I examined the processes of policy formation that might explain the perceived collegial nature of defense policy. From the interviews with experienced professionals from the policy community along with historical evidence, it quickly became apparent that the people and processes involved in assuring the NDAA passed each year for over a half century were a vitally important part of its success and thereby distinguishable from other policy types and similar authorizing legislation.

The people and process were culturally and institutionally different, mainly in the manner by which the HASC constructed and considered the NDAA each year when compared with how the Highway Bill and Farm Bill were framed and deliberated over in their respective committees. The “building block” approach to the bill-building process, whereby provisions were added to the draft bill by consensus between the majority and minority, was especially helpful in isolating the NDAA from controversy. Overall, consistency, predictable routines, bipartisan loyalty to regular order protocols by HASC leadership and rank-and-file members, a conjoined and disciplined focus on policy

substance, a committee culture that reinforces respect for collegial behavior and tradition in the NDAA process were all elements attributable to the people and processes of the HASC that set them apart from the other two committees. While the Ag Committee and the Transportation Committee were each shown to garner some of those tributes, the HASC had pointed examples of them all and therefore cumulatively offered an environment in which collegiality could flourish to get the NDAA passed year after year. It was further demonstrated that HASC members and associated staff (personal and committee staff) proliferated a pervasive, enduring culture which provided the NDAA momentum via active participation from minority and majority members alike—their attention and loyalty to the bill’s momentum fueled by their collective investment in its provisions supporting the military, political pressure to pass the bill, and to committee culture.

A common thread of the HASC culture referred to over time as reason for collegiality among its ranks was in the wide reverence paid to constitutional designated responsibilities. The oath to uphold the Constitution taken by all members and staff was repeatedly referenced—Article 1, Section 8 specifically—as levying unique institutional obligations that unified people around the defense policy process in Congress and strengthened the transcendence of national interest over parochial concerns. Historic records and personal accounts demonstrated consistency in that notion, especially pervasive among those associated with defense or security related committees. However, it was difficult to reconcile rhetoric with material intent, especially among politicians motivated by a variety of unobvious agendas. Therefore, this issue presents opportunity for further validation and study, moving forward.

The organization and operation of the professional HASC staff, especially in how

they interact with each other and with members and personal staff—regardless of party affiliation—appeared to make committee machinations more conducive to bipartisan collaboration than other House committees. Opportunities to share time during factfinding trip, open office spaces which were not separated between minority and majority staffs, and shared open access to electronic drafts of the bill were notably helpful along those lines, as was the cumulative product of institutional factors that essentially comprised a shared “culture” among defense policy staffers. Accordingly, that culture helped explain some of the unique collegiality pervasive in defense policy formulation, especially in the annual NDAA process. While other committee staffs shared some of the cultural attributes evident with the HASC, they did not seem to be collectively present, nor as consistent. Information about the Agriculture and Transportation Committees indicated staff operations were largely a reflection of committee leadership desires in the moment, rather than being guided by an underlying culture carried over time. Finally, the leadership of other committees did not seem to foster the same robust and overt support for the policy pursuits of all its members, regardless of party affiliation, as with the HASC. That is, professional staff on the HASC have been continuously directed (and do) over time to help all members of the Committee with policy related business regardless if the staffer and or member is of the opposite party.

The perception that collegiality is more prolific on the Armed Service Committee could not necessarily be explained by ideological alignment of committee leadership with their rank-and-file members. The analysis provided evidence for relatively close ideological member alignment within and among HASC, Agriculture, and Transportation Committee membership. Parallels in the ideological nature of the three committees

allotted adequate justification for broader comparison throughout study as relative ideological peers—a baseline that placed the three committees on relatively equal footing for more balanced comparative evaluations. Additionally, analysis inferred that when members of a committee were more ideologically aligned, it was mirrored in how a committee’s subject jurisdiction, the matter of the policy the committee oversees routinely, was perceived to be approached politically. For example, part of the perception that defense policy is more collaborative than tax policy is bolstered by the fact that the Ways and Means Committee is traditionally assigned a much greater ratio of majority to minority members. That is, the tax policy (for example) is perceived to be so partisan, in part because the majority “stacks the deck” by adding a buffer of members on the committee to firm assure control during committee votes. Finally, HASC chairmen and ranking members were expected to be more ideologically aligned with their fellow committee members, as compared with other House committees. However, the data as analyzed did not support that notion. Therefore, the perception that collegiality is more prolific on the Armed Service Committee could not necessarily be explained by ideological alignment of committee leadership with their rank-and-file members.

Contemporary domestic political issues and environments, with specific reference to the different case study periods, were shown to weigh on the nature of political discourse of the NDAA, the Farm Bill and the Highway Bill. It is valuable to also note that the practical personal experiences of those interviewed from the policy community mainly came from service during the latter two case study periods (1993 to 1998 and 2007 to 2012). The earliest case period (1961 to 1966) was underrepresented in the interviews, mainly due to the time elapsed thence the availability of people with related insight still active in the policy community.



Distributive politics drove collegiality on all the Farm Bill and Highway Bill cases, but only drove consensus on one of the three NDAA cases. Even if the matter of central debate on a bill had a significant ideological or substantive bent, it was regularly trumped by the greater influence of distributive politics with the exception of two out of the three cases of the NDAA reviewed. In other words, while distributive politics seemed to rule how members approached the majority of the three bills over time (motivated by pork first to secure political capital, then by substantive policy issues), the cases of the 1962 and 2011 NDAA were arguably different. Summarily, the central debates of those two NDAAs encompassed “certain domestic political pressures”—defined as legislation with a substance-based central debate topic (as opposed to ideologically-based or one dependent on distributive politics) and which garnered at least two-thirds of the final House vote—distinguished from the other bills. While it is difficult to qualify a trend given the scope of the subjects tested, the finding indicates that collegiality in defense legislation is not solely driven by distributive politics.

The case findings indicate that with consideration for international political pressures, national security first and foremost was identified as why defense policy formulation is more collegial than other policy issue areas. The response to international pressures show that policymakers band together when lives, values, or other vital national interests are threatened and they can do something about it. The consequences of not providing adequately to counter such threats were viewed as much riskier than “getting it wrong” in other policy areas—the attacks of 9/11 provide a glaring example.

The cases also indicate that policymakers tend to see eye-to-eye on America’s role in the world, though they may not fully agree on what to do about it. These shared views are sufficient to provide a strong basis for collegial discourse on policy and

legislation to address matters of international political concern.

The cases show that presidential leadership also plays a significant role in aligning policymakers on how to address pressures from overseas. Clear direction from the Commander-in-Chief was especially effective at driving unity in Congress when the nation was faced with a national crisis or an immediate threat from abroad, even more so the case when members of the military were deployed in harm's way or if the lives of other Americans were threatened in the like.

Conversely, collaborative support for the Highway Bill was determined to be essentially a product of distributive politics or by collection of its "one eaches," as was the Farm Bill. The exception is that some aspects of the Farm Bill, notably concerning international trade, are subject to international pressures that can motivate policymakers to cooperate, especially if they are demonstrably linked to a broad swath of American jobs or the economy. But this exception tends to prove the rule: defense policy is more collegial because such pressures are pervasive in defense policy and only intermittent in the likes of agricultural and transportation policy.

Incentives for collaboration in defense policy are strengthened by an "information gap." That is, the average American citizen does not have access to the same information policymakers charged with national security do, nor do they have the means (or interest) to verify their perceptions of how secure the nation really is. Policymakers can therefore manipulate that "gap" in information accessibility to build coalitions that address international pressures and threats as they see fit. Conversely, the public is more attuned to the distributive implications of agricultural and transportation policies, especially when it comes to district level implications of government program decisions in those areas. Therefore, that constituent knowledge, the lack of an "information gap" in those policy

areas, makes it much more difficult to build legislative collegiality for decision-making in those areas, lending to another reason why defense policy formulation is seemingly more collegial.

### **Final Thoughts**

The purpose of this study was to help elucidate the nature of defense policy formulation in Congress, to learn from it in a manner wherein any lessons gleaned could then be applied by scholars and practitioners, alike. It was meant to reveal and validate reasons why deliberation over defense policy has been long observed as an opportunity by policymakers to bypass the restraint and consequence of normal partisan biases and strive for agreement on policy, even amidst the toughest fought debates and regardless of who occupies the White House or holds the majority in Congress. The optimistic aim in doing so—the practical value of this study, then—comes from the deeper understanding it provides about how the American policy process works, especially when it does work, and produces robust and substantive debate resulting in effective policy outcomes positive for the public good and the nation writ large.

The hope was this study could provide understanding useful to overcoming some of the most challenging obstacles to successful policymaking in the American system today. Practically, successful attributes of defense policymaking in Congress revealed in this study could conceivably be leveraged to realize more fruitful policy outcomes in other policy areas. The question then, was whether or not the underlying research question was answered adequately enough to do so. To recall, the original research question was: Is defense policy more collegial than other policy issue areas addressed by Congress? If so, how and why?

Historic records and personal accounts demonstrated consistency in that notion,

especially pervasive among those associated with defense or security related committees. However, it was sometimes difficult to reconcile rhetoric with material intent, especially among politicians motivated by a variety of unobvious agendas. Therefore, this issue presents opportunity for further validation and study, moving forward. For example, how does the collegial nature of defense policy match up against other seemingly political-friendly issue areas that Congress deliberates on? How do the processes, culture, and institutional norms of the Senate specifically weigh on how defense policy is dealt with in the House? How does a president's threat to veto the NDAA come into play with regard to how rank-and-file members (or leaders) of the House view the bill process from a political standpoint? The scope could also be broadened to include foreign policy assessments in addition to defense policy.

Additionally, given the notable literature and credible personal accounts that support ideology as factor in how policymakers approach defense policy formulation, further ideological comparisons between and within committees and how they impact policy outcomes, especially with regard to defense policy, presents much opportunity moving forward.

In conclusion, there are many verifiable reasons to explain why defense policy deliberations, namely those regarding the NDAA, have been routinely characterized over time as more collegial than other policy areas. Those reasons can best be explained collectively by the concept that, for all intents and purposes, the NDAA is a de facto annual omnibus authorization bill with unparalleled political and institutional momentum that serves individual policymaker interests as well as the public interest.

The NDAA helps address the distributive and parochial political pressures on the agendas of individual members, but unlike most decisions in policy areas with

comparable levels of collegiality, it serves fundamental national interests that constituents generally understand.

The massive size and reach of the NDAA's cumulative provisions and budget authority are virtually unmatched in political and policy influence, and economic impact. There are many more reasons for members of Congress to support the NDAA, almost regardless of political stripe or ideology, than to oppose it. And there is virtually no political incentive to be the first one to derail its staunchly consistent record of legislative success which has endured without fail for over fifty years.

Finally, the NDAA's annual legislative journey is unmatched in how its provisions are built to the exclusion of controversial issues, a process tightly protected by staff and members share an enduring culture that demands unusual loyalty to transcendent importance of the process and its importance to the nation.

The NDAA is summarily an institution unto itself. And virtually all those involved in the American policy process for the past fifty-plus years have been subject to its far-reaching pull—the risks of its failure terrible, even existential; its rewards, arguably universal. As such, the NDAA process has consistently demanded members approach it in a uniquely collegial manner, more so than any other.

## References

- Abdolali, Nasrin, and Daniel S. Ward. 1998. "The Senate Armed Services Committee and Defense Budget Making: The Role of Deference, Dollars, and Ideology." *Journal Of Political & Military Sociology* 26, no. 2: 229. *International Security & Counter Terrorism Reference Center*, EBSCO host (accessed April 16, 2018).
- Adams, Gordon. 2018. "The Military's 'Readiness' Scam Worked Again." *Foreign Policy*. February 15, 2018. <http://foreignpolicy.com/2018/02/15/the-militarys-readiness-scam-worked-again/>
- Ahmadi, Alireza. 2013. "Iran in the American Executive-Legislative Relationship." *www.SID.ir*: 63-89. [http://www.sid.ir/en/VEWSSID/J\\_pdf/1035820130303.pdf](http://www.sid.ir/en/VEWSSID/J_pdf/1035820130303.pdf). (October 30, 2016).
- Allison, Graham. 2017. *Destined for War: Can America and China Escape Thucydides's Trap?* New York: Houghton Mifflin Harcourt Publishing Company.
- Allison, Graham and Zelikow, Philip. 1999. *Essence of Decision: Explaining the Cuban Missile Crisis*, second ed. New York: Addison-Wesley Longman.
- Amadeo, Kimberly. 2018. "2008 Financial Crisis Timeline." <https://www.thebalance.com/2008-financial-crisis-timeline-3305540>. Updated April 30, 2018. (May 18, 2018).
- Arrow, Kenneth. 1951. *Collective Choice and Individual Values*. 2d ed. New Haven: Yale University Press.
- Austin, Jan, ed. 1995. *Congressional Quarterly Almanac: 104<sup>th</sup> Congress, 1st Session....1995*; Washington, D.C.: Congressional Quarterly, Inc.
- Austin, Jan, ed. 2007. *Congressional Quarterly Almanac: 110<sup>th</sup> Congress, 1st Session....2007*; Washington, D.C.: Congressional Quarterly, Inc.
- Austin, Jan. 2008. *Congressional quarterly almanac: 110<sup>th</sup> Congress*. Washington, D.C.: Congressional Quarterly, Inc.
- Austin, Jan. 2008. "Following a Protracted Money Fight, Farm Bill Enacted Over Bush Veto." In *CQ Almanac*, 64th ed., 3-3-3-5. Washington, DC: Congressional Quarterly, 2009. <http://library.cqpress.com/cqalmanac/cqal08-1090-52022-2174751>. (February 11, 2018).
- Austin, Jan. 2011. *Congressional quarterly almanac: 112<sup>th</sup> Congress: 1<sup>st</sup> Session*. Washington, D.C.: Congressional Quarterly, Inc.
- Austin, Jan. 2012. *Congressional quarterly almanac: 112<sup>th</sup> Congress: 2<sup>nd</sup> Session*. Washington, D.C.: Congressional Quarterly, Inc.
- Bateman, David A., and John Lapinski. 2016. "Ideal Points and American Political Development: Beyond DW-NOMINATE." *Studies in American Political Development* 30, no. 02 (July 5): 147–171. doi:10.1017/s0898588x16000080.

- Baker, Peter. 2013. *Days of Fire: Bush and Cheney in the White House*. New York: Doubleday.
- Biddle, Stephen, Jeffrey Friedman, and Jacob Shapiro. 2012. "Testing the Surge: Why Did Violence Decline in Iraq in 2007?" *International Security*, Summer 2012.
- Black, Duncan. 1958. *Theory of Committees and Elections*. London: Cambridge University Press.
- Blinder, Alan S. and Zandi, Mark. 2010. "How the Great Recession was Brought to an End." Article, Princeton University and Moody's Analytics, July 27. <https://www.economy.com/mark-zandi/documents/End-of-Great-Recession.pdf> (December 21, 2017).
- Bornemeier, James and William J. Eaton. 1992. "Dellums Likely to Head Armed Services Panel: Congress: Though he is well respected, the prospect gives conservatives shivers. Current committee Chairman Les Aspin has been chosen for secretary of defense." *Los Angeles Times*, December 23. [http://articles.latimes.com/1992-12-23/news/mn-2342\\_1\\_house-armed-services-committee](http://articles.latimes.com/1992-12-23/news/mn-2342_1_house-armed-services-committee) (April 10, 2018).
- Brands, H.W. 2016. *The General vs. the President: MacArthur and Truman at the Brink of Nuclear War*. New York: Doubleday.
- Campbell, C., and Auerswald, D. 2012. *Congress and The Politics of National Security*. Cambridge: Cambridge University Press.
- Chalabi, Mona. 2015. "What percentage of Americans have served in the military?" *FiveThirtyEight*. March 19, 2015. <https://fivethirtyeight.com/features/what-percentage-of-americans-have-served-in-the-military/> (May 20, 2018).
- Chesney, Robert M. and Benjamin Wittes. 2011. "NDAA FAQ: A Guide for the Perplexed." *Brookings Institute*: Washington, D.C. December 19, 2011. <https://www.brookings.edu/opinions/ndaa-faq-a-guide-for-the-perplexed/> (May 18, 2018).
- Coburn, Tom. 2015. "A Review of the Department of Homeland Security's Missions and Performance." *U.S. Senate Committee on Homeland Security and Governmental Affairs*. <https://www.hsgac.senate.gov/> (October 20, 2015).
- Congressional Budget Office (CBO). 2016. "Discretionary Spending in 2015: An Infographic." <https://www.cbo.gov/publication/51112> (October 31, 2016).
- Congressional Institute. 2007. "Positions in Congressional Committee Offices." <https://www.conginst.org/2007/12/17/positions-in-congressional-committee-offices/> (March 20, 2018).
- Congressional Quarterly, Inc. 1962. *Congressional quarterly almanac: 87<sup>th</sup> Congress*. Washington, D.C.: Congressional Quarterly Service.
- Congressional Quarterly, Inc. 1996. *Congressional quarterly almanac: 104<sup>th</sup> Congress*. Washington, D.C.: Congressional Quarterly Service.
- Congressional Quarterly [CQ] Staff 1998a. "Transportation Authorization." *Congressional Quarterly*. October 29, 1998. <http://www.cq.com> (May 17, 2018).

- Congressional Quarterly [CQ] Staff 1998b. "95 Special Transportation Projects." *Congressional Quarterly*. December 19, 1998. <http://www.cq.com> (May 17, 2018).
- Committee on Armed Services. 1965. Hearings on military posture and H.R. 4016: to authorize appropriations during fiscal year 1966 for procurement of aircraft, missiles, and naval vessels, and research, development, test, and evaluation, for the armed forces, and for other purposes *Hearings on military posture and H.R. 4016: to authorize appropriations during fiscal year 1966 for procurement of aircraft, missiles, and naval vessels, and research, development, test, and evaluation, for the armed forces, and for other purposes*. Washington: U.S. G.P.O.
- Committee on Armed Services. 1965. Organization of House Committee on Armed Services, 89th Congress *Organization of House Committee on Armed Services, 89th Congress*. Washington: U.S. G.P.O.
- Committee on Armed Services. 2007. Committee organization: Committee on Armed Services, House of Representatives, One Hundred Tenth Congress, first session, hearing held January 10, 2007 (110th) *Committee organization: Committee on Armed Services, House of Representatives, One Hundred Tenth Congress, first session, hearing held January 10, 2007*. Washington, D.C.: U.S. G.P.O. <https://catalog.hathitrust.org/> (March 10, 2018).
- Committee on National Security. 1995. Committee rules of the Committee on National Security, House of Representatives, One Hundred Fourth Congress, adopted January 10, 1995 (104th) *Committee rules of the Committee on National Security, House of Representatives, One Hundred Fourth Congress, adopted January 10, 1995*. Washington: U.S. G.P.O. [https://catalog.hathitrust.org](https://catalog.hathitrust.org/) (March 9, 2018).
- Committee on National Security. 1997. Committee rules of the Committee on National Security, House of Representatives, One Hundred Fifth Congress, adopted February 5, 1997 (105th) *Committee rules of the Committee on National Security, House of Representatives, One Hundred Fifth Congress, adopted February 5, 1997*. Washington: U.S. G.P.O. [https://catalog.hathitrust.org](https://catalog.hathitrust.org/) (March 9, 2018).
- Committee on Transportation and Infrastructure. 2017. Building a 21st-century infrastructure for America: hearing before the Committee on Transportation and Infrastructure, House of Representatives, One Hundred Fifteenth Congress, first session, February 1, 2017 *Building a 21st-Century Infrastructure for America: Hearing before the Committee on Transportation and Infrastructure, House of Representatives, One Hundred Fifteenth Congress, First Session, February 1, 2017*. <https://transportation.house.gov/calendar/eventsingle.aspx?EventID=401047> (March 15, 2018).
- CQ Almanac*. 2008. "Following a Protracted Money Fight, Farm Bill Enacted Over Bush Veto." 64th ed., edited by Jan Austin, 3-3-3-5. Washington, DC: Congressional Quarterly, 2009. <http://library.cqpress.com/cqalmanac/cqal08-1090-52022-2174751> (February 11, 2018).
- Craig, Campbell and Logevall, Fredrik. 2009. *America's Cold War: The Politics of Insecurity*. Cambridge: The Belknap Press of Harvard University Press.
- DeBruyne, Nese F. 2016. "Defense Authorization and Appropriations Bills: FY1970-FY2016." Congressional Research Service. <https://www.fas.org/sgp/crs/natsec/98-756.pdf> (October 12, 2016).



- Deibel, Terry E. 2007. *Foreign Affairs Strategy: Logic for American Statecraft*. New York: Cambridge University Press.
- Desilver, Drew. 2018. "Congress has long struggled to pass spending bills on time." *Pew Research Center*. January 16. <http://www.pewresearch.org/fact-tank/2018/01/16/congress-has-long-struggled-to-pass-spending-bills-on-time/> (May 10, 2018).
- Dilger, Robert Jay. 2015. *Federalism Issues in Surface Transportation Policy: A Historical Perspective*. Washington, D.C.: Congressional Research Service. [https://www.everycrsreport.com/reports/R40431.html#\\_Toc437353173](https://www.everycrsreport.com/reports/R40431.html#_Toc437353173). (September 27, 2017).
- Dimitri, Carolyn, Anne BW Efland, Neilson Chase Conklin, and Carolyn Dimitri. 2005. *The 20<sup>th</sup> century transformation of US agriculture and farm policy*. Vol. 3. Washington, DC: US Department of Agriculture, Economic Research Service. <https://naldc.nal.usda.gov/download/22832/PDF> (February 22, 2018).
- Dionne, Jr. E.J., Norm Ornstein and Thomas E. Mann. 2017. "The Republican Party Has Prompted the Decay of Political Norms." *The Atlantic*. September 19. <https://www.theatlantic.com/politics/archive/2017/09/gop-decay-of-political-norms/540165/> (March 21, 2018).
- Doherty, Carroll. 2017. "Key takeaways on Americans' growing partisan divide over political values." *Pew Research Center*. October 5. <http://www.pewresearch.org/fact-tank/2017/10/05/takeaways-on-americans-growing-partisan-divide-over-political-values/> (May 10, 2018).
- Eberts, Randall W. 1997. "Highway infrastructure: Policy issues for regions." <http://research.upjohn.org/cgi/viewcontent.cgi?article=1042&context=externalpapers> (February 11, 2018).
- Else, Daniel H. 2016. *Military Construction: FY2017 Appropriations* (CRS Report No. R44639). Washington, D.C.: Congressional Research Service. <https://fas.org/sgp/crs/natsec/R44639.pdf>. (November 22, 2017).
- Felton, Lena. 2018. "Full Text: Rex Tillerson Responds to His Firing." *The Atlantic*. [https://www.theatlantic.com/politics/archive/2018/03/full-text-rex-tillersons-remarks-after-his-firing/555506/?utm\\_source=polfb](https://www.theatlantic.com/politics/archive/2018/03/full-text-rex-tillersons-remarks-after-his-firing/555506/?utm_source=polfb) (March 14, 2018).
- Fenno, Richard F. 1973. *Congressmen in Committees*. Boston: Little, Brown and Company.
- Fiorina, Morris P. 1981. "Universalism, Reciprocity, and Distributive Policy Making in Majority Rule Organizations." In John P. Crecine, ed., *Research in Public Policy Making and Management*, 1: 193-221. Greenwich, Conn.: JAI Press.
- Fisher, Louis. 2012. "Presidents Who Initiate Wars," in James McCormick ed., *The Domestic Sources of American Foreign Policy: Insights and Evidence*. Lanham, Md.: Rowman & Littlefield Publishers.
- Fleisher, Richard. 1985. "Economic Benefit, Ideology, and Senate Voting on the B-1 Bomber." *American Politics Quarterly*, 13: 200-211.

- Gates, Robert M. 2014. *Duty: memoirs of a Secretary at war*. New York: Alfred A. Knopf.
- Glassberg, Andrew D. 1995. "Intergovernmental Relations and Base Closing." *Publius: The Journal of Federalism* 25:3 (Summer 1995). <http://www.jstor.org/stable/3330688> (November 22, 2017).
- Green, Harold P., and Alan Rosenthal. 1963. *Government of the Atom*. New York: Atherton Press.
- Heiligenstein, Michael X. 2014. "A Brief History of the Farm Bill." 2014. *The Saturday Evening Post*. April 17, 2014. <http://www.saturdayeveningpost.com/2014/04/17/culture/politics/a-brief-history-of-the-farm-bill.html> (March 16, 2017).
- Heitshusen, Valerie and Lynn M. Williams. 2016a. *Defense Primer: The NDAA Process*. (CRS Report No. IF10515). Washington, DC: Congressional Research Service.
- Heitshusen, Valerie and Lynn M. Williams. 2016b. *Defense Primer: Navigating the NDAA*. (CRS Report No. IF10516). Washington, DC: Congressional Research Service.
- "Highway History." *U.S. Department of Transportation/Federal Highway Administration*. <https://www.fhwa.dot.gov/infrastructure/50interstate.cfm> (March 16, 2018).
- "Historic Committee Names." *History, Art & Archives: United States House of Representatives*. <http://history.house.gov/Records-and-Research/FAQs/Committee-Names/> (March 13, 2018).
- House Armed Services Committee [HASC]. n.d. "History of the NDAA." Accessed May 8, 2018. <https://armedservices.house.gov/ndaa/history-ndaa>.
- Huntington, Samuel P. 1961. *The common defense: Strategic programs in national politics*. New York: Columbia University Press.
- Hurley, Patricia A. 1989. "Parties and Coalitions in Congress." In *Congressional Politics*, edited by Christopher J. Deering. Chicago: The Dorsey Press.
- Jansen, Don J. and Katherine Blakeley. 2013. *Military Medical Care: Questions and Answers*. (CRS Report No. RL33537). Washington, DC: Congressional Research Service.
- Johnson, Justin. 2015. "The (Domestic) Politics of Obama's Defense Bill Veto." *War on the Rocks* (blog), October 24, 2015. <https://warontherocks.com/2015/10/the-domestic-politics-of-obamas-defense-bill-veto/> (March 25, 2018).
- Johnson, Renee and Monke, Jim. 2017. "What is the Farm Bill?" *The Congressional Research Service*. <https://fas.org/sgp/crs/misc/RS22131.pdf> (April 6, 2017).
- Joint Committee on the Organization of Congress. 1993. *Organization of the Congress: Final Report of the Joint Committee on the Organization of Congress, December 1993*. Washington, D.C. <https://archives-democrats-rules.house.gov/Archives/jcoc2.htm> (March 20, 2018).

- Jones, L. R., DeVore, Marc R., and Candreva, Philip J. 2012. *Financing National Defense: Policy and Process*, Charlotte, N.C.: Information Age Publishing.
- Kambrod, Matthew R. 2018. "Why the US should restore defense earmarks." *Defense News*. March 1. <https://www.defensenews.com/smr/federal-budget/2018/03/01/why-the-us-should-restore-defense-earmarks/> (March 1, 2018).
- Katznelson, Ira and Shefter, Martin eds. 2002. *Shaped by War and Trade: International Influences on American Political Development*. Princeton: UP
- Kennedy, Brian. 2016. "Most Americans trust the military and scientists to act in the public's Interest." *Pew Research Center*. October 18, 2016. <http://www.pewresearch.org/fact-tank/2016/10/18/most-americans-trust-the-military-and-scientists-to-act-in-the-publics-interest/> (June 19, 2018).
- Kheel, Rebecca. 2018. "House panel approves commission to study military aircraft accidents." *The Hill*. May 9, 2018. <http://thehill.com/policy/defense/386923-house-panel-approves-commission-to-study-military-aircraft-accidents>.
- Kissinger, Henry. 1994. *Diplomacy*. New York: Simon & Schuster Paperbacks.
- Kissinger, Henry. 2014. *World Order*. New York: Penguin Press.
- La Raja, Raymond J. 2013. *New Directions in American Politics*, New York: Routledge.
- Laing, Keith. 2012. "Obama signs Highway bill." *The Hill*. July 6. <http://thehill.com/policy/transportation/236519-obama-signs-highway-bill>. (February 11, 2018).
- Lee, Frances E. 2009. *Beyond Ideology: Politics, Principles, and Partisanship in the U.S. Senate*. Chicago: University of Chicago Press.
- Library of Congress. 2015a. "H.R.3162 - Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001." *Congress.gov*. <https://www.congress.gov/bill/107th-congress/house-bill/3162/actions>. (October 21, 2015).
- Library of Congress. 2015b. "H.R.5005 - Homeland Security Act of 2002." *Congress.gov*. <https://www.congress.gov/bill/107th-congress/house-bill/5005/actions>. (October 21, 2015).
- Lindsay, James M. 1990. "Parochialism, Policy, and Constituency Constraints: Congressional Voting on Strategic Weapons Systems." *American Journal of Political Science*, 34: 936-960.
- Lindsay, James M. 1991a. *Congress and Nuclear Weapons*. Baltimore: Johns Hopkins University Press.
- Lindsay, James A. 1991b. "Testing the Parochial Hypothesis: Congress and the Strategic Defense Initiative." *Journal of Politics*, 53(3):860-876.

- Lindsay, James M. 1994. *Congress and the Politics of U.S. Foreign Policy*. Baltimore: The Johns Hopkins University Press.
- Lockwood, David. 2002. "Military base closures: Time for another round?" *The Congressional Research Service*. RL30051 [www.dtic.mil/dtic/tr/fulltext/u2/a515478.pdf](http://www.dtic.mil/dtic/tr/fulltext/u2/a515478.pdf) (May 5, 2018).
- Lott, Trent and Daschle, Tom. 2016. *Crisis Point: Why we must—and how we can—overcome our broken politics in Washington and across America*. New York: Bloomsbury Press.
- Lowi, Theodore J. 1967. "Making democracy safe for the world: National politics and foreign policy." In *Domestic sources of foreign policy*, ed, James N. Rosenau. New York: Free Press.
- Malbin, Michael J. 1980. *Unelected Representatives: Congressional Staff and the Future of Representative Government*. New York, NY: Basic Books, Inc.
- Malbin, Michael J. 1981. "Delegation, Deliberation, and the New Role of Congressional Staff." In Thomas E. Mann and Norman J. Ornstein, eds., *The New Congress*, pp. 134-77. Washington, D.C.: American Enterprise Institute for Public Policy Research.
- Maltzman, Forrest. 1998. *Competing Principles: Committees, Parties, and the Organization of Congress*. Ann Arbor: University of Michigan Press.
- Mann, Thomas E. and Norman J. Ornstein. 2012. *It's Even Worse Than It Looks: How the American Constitutional System Collided with the New Politics of Extremism*. New York: Basic Books.
- Martin, Michael F., Rhoda Margesson, and Bruce Vaughn. 2017. *The Rohingya Crises in Bangladesh and Burma*. CRS Report No. R45016. Washington, DC: Congressional Research Service. <https://fas.org/sgp/crs/row/R45016.pdf>
- Mayhew, David R. 1974. *Congress: The Electoral Connection*. New Haven: Yale University Press.
- Mayhew, David R. 2005. *Divided We Govern: Party Control, Lawmaking, and Investigations, 1946-2002, 2nd. Ed.* New Haven: Yale University Press.
- McCain, John. 2017. "McCain on impact of continuing resolution on military." December 21, 2017. <https://www.mccain.senate.gov/public/index.cfm/press-releases?ID=86DBDD4C-647A-454D-ACE2-D0712845791A>
- McHugh, Kelly. 2015. "A Tale of Two Surges: Comparing the Politics of the 2007 Iraq Surge and the 2009 Afghanistan Surge." Sage journals. First published December 16, 2015. <http://journals.sagepub.com/doi/full/10.1177/2158244015621957#articleCitationDownloadContainer> (May 28, 2018).
- McKeon, Ryan M. 2013. "How a Defense Bill Becomes Defense Law." *U.S. Naval Institute News* (blog), February 5, 2013. <https://news.usni.org/2013/01/09/how-defense-bill-becomes-defense-law>. (April 11, 2018).

- McMaster, H.R. 1997. *Dereliction of Duty: Lyndon Johnson, Robert McNamara, the Joint Chiefs of Staff, and the Lies that Led to Vietnam*. New York: HarperCollins.
- Mosley, L. 2013. *Interview Research in Political Science*. Ithaca: Cornell University Press.
- Moyer, Wayne. 1973. "House Voting on Defense: An Ideological Explanation." In Bruce Russett and Alfred Stefan, eds., *Military Force and American Society*., 106-42. New York: Harper and Row.
- Mulligan, Stephen P. 2016. *Evolution of the Meaning of "Waters of the United States" in the Clean Water Act*. (CRS Report No. R44585). Washington, DC: Congressional Research Service. <https://fas.org/sgp/crs/misc/R44585.pdf>. (November 23, 2017).
- Munger, Frank J., and Richard F. Fenno, Jr. 1962. *National Politics and Federal Aid to Education*. Syracuse: Syracuse University Press.
- NASA, 2004. "Excerpt from the 'Special Message to the Congress on Urgent National Needs.'" Last Updated: Aug. 7, 2017. <https://www.nasa.gov/vision/space/features/jfkspeechtext.html> (May 15, 2018).
- Nelson, Michael, ed. 2013. *The presidency and the political system*. Washington DC: Congressional Quarterly Press.
- North, Douglass C. 1990. *Institutions, institutional change and economic performance*. New York: Cambridge University Press.
- Ornstein, Norman J. 1981. "The House and the Senate in a New Congress." In *The New Congress*, edited by Thomas E. Mann and Norman J. Ornstein. New York: American Enterprise Institute.
- Patterson, Samuel C. 1970. "The Professional Staffs of Congressional Committees." *Administrative Science Quarterly* 15, no. 1: 22-38. *Business Source Premier*, EBSCOhost (accessed March 25, 2018).
- Pew Research Center. 2014. "Political Polarization in the American Public." <http://www.people-press.org/files/2014/06/6-12-2014-Political-Polarization-Release.pdf> (March 19, 2016).
- Poole, Keith and Daniels, R. 1985 "Ideology, Party and Voting in the U.S. Congress, 1959-1980." *American Political Science Review*, 72: 548-574.
- Poole, Keith and Rosenthal, Howard. 2007. *Ideology & Congress*. Second, revised edition of *Congress: A Political-Economic History of Roll Call Voting*. New Brunswick and London: Transaction Publishers.
- Power, Samantha. 2013. *"A problem from hell": America and the age of genocide*. New York: Basic Books.
- Poynter, Henrietta and Nelson Poynter, eds. 1964. *Congressional Quarterly Almanac: 88<sup>th</sup> Congress, 2nd Session....1964; Volume XX*. Washington, D.C.: Congressional Quarterly Service.

- Poynter, Henrietta and Nelson Poynter, eds. 1965. *Congressional Quarterly Almanac: 89<sup>th</sup> Congress, 1<sup>st</sup> Session....1965; Volume XXI*. Washington, D.C.: Congressional Quarterly Service.
- Poynter, Henrietta and Nelson Poynter, eds. 1966. *Congressional Quarterly Almanac: 89<sup>th</sup> Congress, 2<sup>nd</sup> Session....1966; Volume XXII*. Washington, D.C.: Congressional Quarterly Service.
- ProQuest, LLC. 2011. "One Hundred and Twelfth Congress." <https://congressional.proquest.com/congressional/common/congressincontext?> (May 18, 2018).
- Rauch, Jonathan. 2016. "What's Ailing American Politics?" *The Atlantic Monthly*; Boston Vol. 318, Iss. 1, (Jul/Aug 2016): 50-58,60,62-63.
- Rice, Condoleezza. 2011. *No Higher Honor: A memoir of my years in Washington*. New York: Broadway Books.
- Ripley, Randall B. and Franklin, Grace A. 1987. *Congress, the Bureaucracy and Public Policy*. Chicago: The Dorsey Press.
- Ripley, Randall B. and Lindsay, James M. 1993. *Congress Resurgent: Foreign and Defense Policy on Capitol Hill*. Ann Arbor: University of Michigan Press.
- Rosegrant, Susan. 1996. *Getting to Dayton: Negotiating an End to the War in Bosnia*. Cambridge: President and Fellows of Harvard College.
- Rumsfeld, Donald. 2011. *Known and unknown: a memoir*. New York: Penguin Group.
- Rundquist, Barry, and Thomas M. Carsey. 2002. *Congress and defense spending: the distributive politics of military procurement*. Norman: University of Oklahoma Press.
- Russell, Thaddeus. 2014. "Rise of the 'Unholy Alliance' of Libertarians and Leftists: How libertarians and leftists are changing American politics, from foreign policy to Ferguson." *Reason*. August 16. <http://reason.com/archives/2014/08/16/rise-of-the-unholy-alliance> (November 30, 2016).
- Sapolsky, H., Talmadge, C., and Gholz, E. 2013. *US Defense Politics: The Origins of Security Policy*. Abingdon, Oxon: Routledge.
- Shogan, Colleen J. 2011. "Defense Authorization: The Senate's Last Best Hope." *The Congressional Research Service*. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1900866](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1900866) (October 12, 2016).
- Sidlow, Edward I., and Beth Henschen. 1985. "The Performance of House Committee Staff Functions: A Comparative Exploration." *The Western Political Quarterly* 38(3): 485–94. <http://www.jstor.org/stable/448529> (March 17, 2018).
- Skinner, Kiron K., Kudelia Serhiy, Bueno de Mesquita, Bruce and Rice, Condoleezza. 2007. "Politics Starts at the Water's Edge." *The New York Times*, September 15. <http://www.nytimes.com/2007/09/15/opinion/15skinner.html> (October 21, 2017).

- Smith, Steven S. and Christopher J. Deering. 1990. *Committees in Congress*. Washington, DC: Congressional Quarterly.
- Stern, Ken. 2017. "Americans aren't as divided as you think." *Politico Magazine*, November 19. <https://www.politico.com/magazine/story/2017/11/19/americans-divided-politics-unity-liberal-bubble-215843?cmpid=sf> (November 19, 2017).
- Therault, Sean M. and Surface Shafran, JoBeth. 2013. "Reintroducing the Policy Process into Studying Congress." In *New Directions in American Politics*, ed. La Raja, Raymond, J. New York: Routledge.
- Towell, Pat. 2015. "Presidential Vetoes of Annual Defense Authorization Bills." *CRS Insight*. IN10368. October 1. Congressional Research Service: Washington, D.C. <https://fas.org/sgp/crs/natsec/IN10368.pdf> (October 1, 2016).
- Trubowitz, Peter. 2011. *Politics and Strategy: Partisan Ambition and American Statecraft*. Princeton, NJ: Princeton University Press.
- Tully, Matthew. 1998. "Highway law the focus of an image makeover." *Congressional Quarterly*. October 21, 1998. <http://www.cq.com>
- United Nations. n.d. "Responsibility to Protect." Accessed May 23, 2018. <http://www.un.org/en/genocideprevention/about-responsibility-to-protect.html>
- United States Department of Defense. n.d. "Mike McCord." Accessed May 24, 2018. <https://www.defense.gov/About/Biographies/Biography-View/Article/602736/mike-mccord/>
- University of California, Los Angeles, Department of Political Science and Social Science Computing. n.d. "87th Congress > House > Vote 177." Accessed May 16, 2018. <https://voteview.com/rollcall/RH0870177>.
- University of California, Los Angeles, Department of Political Science and Social Science Computing. n.d. "About the project." Accessed April 22, 2018. <https://voteview.com/about>.
- U.S. Council of Economic Advisors. 1966. *Economic Report of the President together with the Annual Report of the Council of Economic Advisors*. [https://fraser.stlouisfed.org/scribd/?itemid=8137&filepath=/files/docs/publications/ERP/1966/ERP\\_1966.pdf](https://fraser.stlouisfed.org/scribd/?itemid=8137&filepath=/files/docs/publications/ERP/1966/ERP_1966.pdf). (February 11, 2018).
- U.S. House of Representatives. 2018a. "Origins & Development: From the Constitution to the Modern House: Oath of Office." <http://history.house.gov/Institution/Origins-Development/Oath-of-Office>. (March 3, 2018).
- U.S. House of Representatives. 2018b. "87th Congress (1961–1963)." *History, Art & Archives, U.S. House of Representatives*. <http://history.house.gov/Congressional-Overview/Profiles/87th/> (May 15, 2018).
- U.S. House of Representatives. 2018c. "104th Congress (1994–1997)." *History, Art & Archives, U.S. House of Representatives*. <http://history.house.gov/Congressional-Overview/Profiles/104th/> (May 15, 2018).

- U.S. Office of Personnel Management. "Oath." [https://archive.opm.gov/constitution\\_initiative/oath.asp#](https://archive.opm.gov/constitution_initiative/oath.asp#). (March 3, 2018).
- U.S. Senate. Armed Service Committee (SASC). 2015. *Testimony of Hon. Robert M. Gates, former Secretary of Defense*. <http://www.armed-services.senate.gov/hearings/15-10-21-future-of-defense-reform>. (October 21, 2015)
- Wasserman, David, 2014. "What We Can Learn From Eric Cantor's Defeat." *FiveThirtyEight*. June 20, 2014. <https://fivethirtyeight.com/features/what-we-can-learn-from-eric-cantors-defeat/>(May 10, 2018).
- Weingast, Barry R. 1979. "A Rational Choice Perspective on Congressional Norms." *American Journal of Political Science*. 23: 245-62.
- Weingast, Barry R. and William Marshall. 1988. "The Industrial Organization of Congress, or Why Legislatures, Like Firms, Are Not Organized As Markets." *Journal of Political Economy*. 96: 132-63. Wildavsky, Aaron. 1966. "The two presidencies." *Society* 35, no. 2 (1998): 23-31.
- Weisman, Jonathan. 2014. "On Ebola Response, Congressional Republicans Put New Focus on Visa Suspensions." *New York Times*. October 20, 2014. <https://www.nytimes.com/2014/10/21/us/on-ebola-response-congressional-republicans-put-new-focus-on-visa-suspensions.html> (June 19, 2018).
- Wenstrup, Brad. 2017. "U.S. military readiness crisis: A call to action for Congress," *The Hill*, April 4, 2017, <http://thehill.com/blogs/congress-blog/politics/327087-us-military-readiness-crisis-a-call-to-action-for-congress>
- White House. 2007. "President's Address to the Nation." <https://georgewbush-whitehouse.archives.gov/news/releases/2007/01/20070110-7.html> (May 28, 2018).
- Wildavsky, Aaron. 1966. "The two presidencies." *Society* 35, no. 2 (1998): 23-31.
- Williams, Lynn M. and Jennifer M. Roscoe. 2018. *Defense Spending Under an Interim Continuing Resolution: In Brief*. CRS Report No. R44636. Washington, DC: Congressional Research Service. <https://fas.org/sgp/crs/natsec/R44636.pdf>.
- Williamson, John. 2012. *Federal Aid to Roads and Highways Since the 18th Century: A Legislative History*. (CRS Report No. R42140). Washington D.C.: Congressional Research Service. <https://fas.org/sgp/crs/misc/R42140.pdf> (March 15, 2018).