

## TESTIMONY

**Richard K. Betts**

Council on Foreign Relations and Columbia University

Statement for the U.S. Senate Committee on Governmental Affairs,  
Hearings, February 7, 2002

***On S. 1867, to Establish a National Commission on Terrorist Attacks Upon the  
United States***

Thank you for inviting me to testify. My views come in part from many years of analyzing national security affairs, and from some thought about the role of past government commissions, but primarily from my experience as a member of the National Commission on Terrorism in 1999-2000. I have four main points:

- A well constituted national commission would indeed perform an important function in coming to grips with the disaster of September 11.
- Such a commission would work best in addition to other efforts such as congressional investigations, not as a substitute for them.
- The mandate and organization of the Commission in the proposed bill make very good sense, with one exception.
- The exception is that there is a tension between the objectives in Section 3 (c) (3), concerning the balanced representation of eminent people with different types of professional experience, and the procedures for appointment of members of the Commission set out in Section 3 (a).

***Benefits of a National Commission***

It is painfully obvious that a lot went wrong before September 11 in how the U.S. government coped with the potential for catastrophic terrorist attacks. The intelligence system did not get sufficient warning of the plot; the border control and immigration systems did not keep out or keep track of dangerous visitors; security arrangements for air travel failed to intercept the hijackers or keep them from gaining control of the planes; and more. Because of the classification of information and, perhaps, some plain confusion, we do not yet have a full and integrated picture of *exactly what* went wrong. There will be many rumors and half-truths leaking out to explain why the warning process failed, how organizational structures were unprepared, and so forth. There is great need for an official post-mortem that brings the full story out in a thorough, careful, balanced, and non-partisan manner.

The main benefit of a national commission to examine the tragedy of the September 11 attacks would be political credibility. A commission of the sort described in S. 1867 would be ideally constituted to provide a detailed and sober investigation that the public could have confidence is as objective as humanly possible. In the next few years there will inevitably be many exercises attempting to explain the events and to lay blame for failure to prevent them. It is important to have one serious effort that has high credibility in terms of two important criteria: access to all relevant information, and disinterest in scoring political points. A commission with adequate authority and with members of the sort envisioned in Section 3 (c) of the bill would be well positioned to accomplish this purpose.

I believe this in part because of my own experience as a member of the National Commission on Terrorism established by Congress three years ago. That commission's report, issued fifteen months before September 11, stands up very well in light of the

recent tragedy. Our commission produced a solid, clear, hard-hitting report with many correct judgments and useful concrete recommendations. The one misfortune is that more of our recommendations were not implemented sooner. Those recommendations, nevertheless, provide a baseline that remains useful in choosing priorities for further work as the war against terrorism evolves.

The National Commission on Terrorism operated in a thoroughly bipartisan way. (I say that as one of the four members of the Commission appointed by the Minority Democratic leadership of both houses of congress. The Commission's Chairman, Jerry Bremer, and the other members appointed by the Majority Republican leadership, did an excellent job in keeping the process on an even keel politically.) As a group of highly capable and responsible people from different backgrounds, we worked out our differences -- and there were a couple of tense moments -- to produce united recommendations. Amazingly, we also managed to do this without watering things down to some mushy lowest common denominator. Although it was a commission created by a Republican-controlled Congress, there was never a hint that our effort involved grinding axes to embarrass the Democratic administration in the executive branch. Our effectiveness owed much to the fact that despite having individual political views that ranged across the spectrum, none of the ten members of the Commission was a zealot. That in turn reflected the care with which Speaker Gingrich and Majority and Minority Leaders Lott, Gephardt, and Daschle selected the appointees.

### *The Commission Should Complement Other Investigations*

If the commission envisioned in S. 1867 does as good a job, it will be an important contribution. It would be unrealistic and undesirable, however, to see such a commission as the sole official solution to grappling with what happened on September 11. Neither presidential nor congressional commissions ever completely settle the questions with which they are tasked. That is because questions important enough to provoke creation of a prestigious commission are necessarily so important that all centers of political power have to get their own oars in on them. That is as it should be in a democracy. Moreover, other efforts, particularly congressional investigations, can do things that a commission cannot do effectively. On a matter as crucial as September 11, some redundancy in investigation is not only unavoidable, it is useful.

Consider the investigations of the intelligence community in the mid 1970s. The process began with the Rockefeller Commission, which issued its report in June 1975, and expanded to investigations by select committees of the House and Senate which concluded a bit less than a year later. All of these were useful in different ways. The congressional investigations were able to go into certain matters in greater depth. The Church and Pike committees, however, were seen by some as politicized, and as attempting to use the investigation to embarrass the Ford administration. This impression was exaggerated (although I must admit that I have a vested interest in believing so, having been a staff member in the Senate investigation). But it was not entirely wrong, and in any case it is a political fact of life that congressional investigations will provoke suspicions of this sort. That is one of the natural costs of doing public business in a democracy. In the case of the controversial investigations of 1975-76, therefore, it was a good thing both analytically and politically that the Rockefeller Commission's report was also in the mix.

On highly controversial matters no national commission, no matter how well it performs, will be considered by everyone to be the last word. Even the Warren Commission, which investigated President Kennedy's assassination, left many skeptics, and the question was ultimately taken up again in a congressional investigation years later. Nevertheless, the Warren Commission was absolutely indispensable. Although conspiracy theorists could never be satisfied, the general public's confidence in the government's handling of the assassination could never have been as great without that commission.

Ultimately, the value of an investigation depends on subsequent executive decisions and legislation designed to fix the problems identified. A national commission cannot take a problem off the table; it can only make recommendations. For better or worse, the executive branch and Congress are likely to insist on their own investigations and determinations. A good commission report, however, can clarify the agenda, shape some of the follow-on investigations, speed up and inform the parallel efforts within the government, and provide an authoritative baseline for concerned citizens outside the government to assess the progress of the overall effort.

As government work goes, that is a very, very good return on the few million dollars that the Commission would cost. We sometimes hear complaints that government commissions are a waste of money, and I realize that it would not sound good to your constituents to suggest that a few million dollars is peanuts. I believe it is true, nevertheless, that on average we get much less from most comparable government expenditures than we would get from a good commission.

### *Composition of the Commission*

S. 1867 as now proposed does not have any truly serious deficiencies, in my view. My one reservation is about the process for appointing members of the Commission. I do not think it is necessarily a big problem, but it could limit the coherence and quality of the Commission by some measure.

Section 3 (c) of the bill as currently proposed sets out an excellent summary of the qualifications desirable for the commissioners to be selected. It is especially important that there be balanced representation not only of parties, but of experience and professional backgrounds, and that all members be genuinely accomplished leaders in their fields. To have some assurance that the group as a whole that is selected embodies such balance, there should be some concentration of the appointing power in order to enable some juggling of candidates for appointment in a manner that makes it easier to get a good mix.

The current bill's Section 3 (a), however, sets out a process that disperses appointment authority widely. That would seem to make it hard to carefully craft a group as a whole. The President would be able to design some balance with his four allotted appointees, but the other ten appointments are parceled out to ten different committee chairs -- and twenty people in all, if the consultation with ranking members is to be genuine. To get a good distribution of people from the military, diplomacy, business, law enforcement, and so forth it seems that the ten or twenty chairpersons and ranking members (or their staffs) would have to caucus and do some horse trading. Otherwise, it appears that we could get a random assortment. With all due respect, I would also speculate that having ten different centers of congressional power involved in the picking raises the odds of getting at least a couple of commission appointees whose main qualifications are that they are cronies of the chairperson who chooses them, or who have personal agendas or axes to grind.

Falling back again on my experience with the National Commission on Terrorism two years ago, I would suggest considering some greater centralization of Congress's share of the appointments. One way to do this would be to give the final appointment authority to the majority and minority leaders of both houses. The committee chairpersons and ranking members could certainly make their preferences known, and the leadership would be free to select many of them. (In this case too, the pairs of chairpersons and ranking members could also have the flexibility to nominate several people each, rather than just one.)

I apologize if these remarks sound presumptuous, in suggesting how Congress should use its own prerogatives. This issue, however, seemed to be the only potential problem I could detect in the planned formation of the Commission.

### ***A Minor Point: Mandate of the Commission***

Section 2 of the version of S. 1867 provided to me states that the purposes of the Commission include examining “the facts and *causes* relating to the terrorist attacks of September 11, 2001” and making “a full and complete account of the *circumstances* relating to the terrorist attacks.” My reservation about this is only a nit-pick, and was not worth including in my summary of points at the beginning. Nevertheless, both the advantage *and* disadvantage of the language in Section 2 is that it could be read to leave the purview of the Commission wide-open. It would be good for the Commission to have a hunting license that allows it to go wherever necessary. It will also be necessary, however, for the Commission to focus its attention on the most critical aspects of the disaster: understanding the intelligence failure and whatever elements of structure and process within the government or outside organizations stood in the way of preventing the attacks.

Section 4 of the bill does more to suggest that focus. Perhaps there is little danger that the commission would dilute its efforts by dipping into every possible issue that might be covered by the language in Section 2. Not knowing who will serve on the Commission, however, it is conceivable that some might argue for investigating “root causes” of terrorism that U.S. policy did not adequately address. (There will certainly be some groups in the public who argue that it is necessary to do so.) That would be a mistake, because as important as root causes may be, they are a bottomless pit of controversial ideas about political, social, religious, psychological, and economic causes of hatred and blame. This question cannot be dealt with very well by this sort of commission, and any possibility that an effort to do so might be made should be quashed. Perhaps I worry about leaving too broad a mandate because I recall our initial deliberations in the National Commission on Terrorism, when one member argued strongly that we could not avoid dealing with domestic as well as international terrorism because there were so many linked aspects of the problem. That judgment was in large part correct intellectually, but would have spread our effort thin. We decided against broadening the scope of our inquiry, and that kept the results coherent and focused.

This is not a significant problem. But if there is any risk of the Commission getting bogged down in deciding how it should focus its effort, it might not hurt to add a bit of language to Section 2 similar to that in Section 4, specifying organization and procedures within the U.S. government, and in other organizations such as those in the air travel industry, as the focus of concern.

### ***Realistic Expectations***

A national commission, however well it does its job, will not bring us to closure in understanding how we should best move to prevent another September 11 catastrophe. That should not be the test of such a commission. September 11 was a watershed in national security policy, and figuring out and adjusting to the lessons will be a long process. The right sort of commission can be a good start. It can clear away underbrush, answer some questions even if not all, lay down a valuable set of markers to channel other efforts, and discredit fast and loose attempts at easy answers. That will leave much to be done, but it will have done a lot.

[Committee Members](#) | [Subcommittees](#) | [Hearings](#) | [Key Legislation](#) | [Jurisdiction](#)  
[Press Statements](#) | [Current Issues](#) | [Video of Select Hearings](#) | [Sites of Interest](#)