Doing the Right Thing

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Base Closure

The problem of closing military bases presents a classic collective-action problem. Members have obvious electoral incentives to acquire military bases for their districts just as they regularly seek federal grants and construction projects. But members have even greater electoral incentives to ensure that benefits already acquired are maintained. It is not surprising, then, that members are willing to fight tooth and nail to maintain military bases in their districts. Bases provide jobs both directly and indirectly to large numbers of constituents. Members fear these constituents will hold them personally responsible for their fate should they lose those jobs. The sum of all members fighting to maintain their bases means that Congress, utilizing the normal legislative process, is unable to shut down military bases even when most members agree we have too many. So how did Congress do the right thing?

The commission procedure eventually utilized to close military bases has taken two very similar forms. Under the procedure adopted in 1988, Congress gave legal sanction to a commission that had already been established by Secretary of Defense Frank Carlucci to draw up a list of bases to be closed or realigned by December 31, 1988. The list would then be forwarded to the secretary of defense, who could either reject or accept the list without amendment. Congress retained the right to pass a joint resolution disapproving the list without amendments, but this effectively meant a two-thirds majority would be required to stop the list. Significantly, the new procedure also exempted the commission and the Pentagon from complying with National Environmental Policy Act (NEPA) of 1969 environmental impact statement requirements, but did require compliance with NEPA requirements in closing and realigning bases. The NEPA requirements had been the main source of congressional delay and obstruction in attempted base closures since 1977.

There were only a few differences in the second procedure, adopted in 1990. This procedure called for three additional rounds of base closures in
1991, 1993, and 1995. In these rounds, the secretary of defense was empowered to write the initial list and forward it to the commission, which would be empowered to add or delete bases. The list would then be forwarded to the president, who could approve or reject the list without amendments. Congress would again have the option of disapproving the list as a whole with a joint resolution. While in the first round the commission was forced to choose for closure only those bases whose savings would offset closing costs within six years, this requirement was dropped in the second procedure. A more automatic funding mechanism was also adopted in the second procedure to cut off the appropriations process as a potential back-door option for legislators hoping to keep their base open, and GAO review of commission calculations was also mandated in the second procedure. Finally, under the second procedure, appointment of commission members was to be subject to Senate confirmation.

From a public choice perspective, both procedures provide a solution to a classic collective-action problem. The question, however, is why this particular solution? Why didn’t Congress, for instance, simply allow a committee to report legislation and consider the legislation under a closed rule in the House? Why didn’t Congress delegate authority to the Pentagon to close bases? These questions can be answered only by first understanding the unique institutional and historical context surrounding military base closures. When the collective-action problem of base closures is placed within that context, it becomes clear that the base closure commission procedure represented the only politically feasible route to closing military bases in the 1980s and 1990s.

A Brief History of Military Base Closures

1789–1960

As Christopher J. Deering (1996, 155) points out, “the roots of the base closure controversy run deep in American history.” Article I, Section 8 grants the Congress authority for the “erection of forts, magazines, arsenals, dockyards, and other needful buildings” and Article IV, Section 3 grants the Congress power to “dispose of and make all needful rules and regulations respecting the territory or other property” of the federal government.

As is the case with many powers granted to Congress, authority to construct and close bases was delegated to the executive. And like many other policy areas, Congress restricted, rather narrowly, executive authority for the con-
struction and disposal of military facilities during peacetime and provided more liberal grants of power during wartime (Deering 1996, 155). One distinctive characteristic of military construction as a policy area, however, is its parochial nature. This led to relatively wide divergence in policy views between the legislative and executive branches in this particular part of defense policy. Because there are many communities which owe their growth and, in some cases, their very existence to the presence of a local military installation, the legislators who represent these military communities quickly became more ardent advocates and defenders of the activities undertaken on the base, and of the existence of the base itself, than any executive branch official. The classic expression of this remains the Armed Services Committee aide who pointed out to one researcher, “our committee is a real estate committee. Don’t forget that. If you study our committee, you are studying real estate transactions.”

This line of thinking has been and remains the most important legacy of the early development of military installations policy. Arnold (1981b, 263) points out that the intensity and political sensitivity surrounding military installations policy is highlighted by the division of labor in the appropriations subcommittees of the House and Senate. Appropriations for the Department of Defense (DOD) are reported by two of these subcommittees. For fiscal 2003, the Subcommittee on Military Construction helped to enact (PL 107–249) a $10.5 billion bill to pay for new military construction. The Subcommittee on National Security (Armed Services in the Senate) helped to enact (PL 107–248) a $355.1 billion bill to pay for all other activities associated with the Defense Department. Moreover, for all the anger and resentment that President Clinton’s use of the line-item veto aroused on Capitol Hill, only one package of rescissions was ever reinstated overriding the President’s veto—a $286.7 million rescission package from a military construction appropriations bill.

All this is significant, of course, because what matters most are the perceptions legislators have about the costs and benefits associated with legislative action. For instance, Arnold (1981b, 253, my emphasis) argues that the eventual impact of local benefits on congressional policy making depends crucially on how congressmen evaluate both the general and group costs and benefits associated with particular programs. Local benefits become paramount when congressmen believe that a program would have few general or group benefits, or considerable costs of either type.

In the case of base closure, the formative role the development of military installations policy plays in legislators’ perceptions is therefore crucial.
Legislators who conceive of military installations policy in terms of the local benefits it delivers cannot be expected to receive notices of executive plans to close military bases with reticence.

1960–1970

The contemporary battle over base closures began with the Kennedy and Johnson administrations’ initiatives to close bases between 1961 and 1965. Each year, the Pentagon released a new base closure list and each year the lists were extensive—73 bases in 1961, 98 bases in 1962, 33 bases in 1963, 95 bases in 1964, and 149 bases in 1965. The congressional response was increasingly hostile. In May 1965, the House Armed Services Committee inserted a provision in the fiscal 1966 defense authorization bill providing for a one-house legislative veto of base closure plans and, after conference on the bill, a compromise provision was approved by both houses that imposed a variety of restrictions on Pentagon attempts to close bases. The restrictions included a mandatory 120-day delay between announcement and implementation of base closures. More importantly, the bill restricted the Pentagon to announcing closures between January 1 and April 30 so that the Armed Services Committees would have an opportunity to write language into defense authorization bills precluding the closure of bases the Congress did not want to close. President Johnson vetoed the bill in August 1965 on the grounds that it violated the separation of powers and the Congress did not attempt to override the president’s veto. However, a new provision was passed delaying implementation of closures until thirty days after the Pentagon had provided the Armed Services Committees with a justification for closure decisions (Twight 1990, 242–43).

Despite this mini-revolt, the Pentagon had remarkable success closing bases during the 1960s. There was resistance from Congress, but that resistance generally took the form of legislators appealing directly to the Pentagon on behalf of bases, and legislators generally accepted even the Pentagon’s adverse decisions (Hadwiger 1993, 91). If, as argued above, legislators viewed the construction, and even more so, the closure of military installations through local lenses, how is it that they allowed these closures to proceed with almost no systematic resistance? More specifically, why didn’t legislators engage in the dilatory and obstructionist tactics they would employ just a decade later in response to base closures?

There are several reasons why Congress allowed closures to go forward, but the main reason was that the base closure policy process in the 1960s was merely reflective of what many other policy processes looked like during that
decade—it was dominated by its own set of norms and practices consistent with a subgovernment model of policymaking. Members of Congress generally were more willing than today to defer to the expertise and objectivity of Pentagon analyses. Particularly during the early 1960s, the Pentagon retained widespread prestige and dominated the defense policy process. Moreover, this time arguably marked the height of the Cold War, so members of Congress were less willing to challenge Pentagon assessments about appropriate force posture. But another important factor in explaining the relative congressional complaisance on base closures was the cozy arrangement that had developed between members of the relevant military committees in Congress and the Pentagon. Arnold (1981a, 117) argues that “the evidence is compelling that bureaucrats avoided closing bases in districts with representatives on the military committees.” David Casimir Hadwiger (1993, 89) concludes that although bases in important members’ districts were closed, “Arnold is probably at least partially correct.” In exchange for the courtesy paid to them by the Pentagon, the military committees gave relatively wide latitude to the Department of Defense on base closure.

1970–1976

This cozy arrangement began to break down in the late 1960s. During the first half of the next decade, four factors would converge to help construct a large bipartisan coalition against Pentagon base closure lists. First, Pentagon prestige was quickly eroding as the situation in Vietnam deteriorated. At the same time, Congress was rapidly developing its own sources of expertise and analysis. The number of staff members on both the House and Senate Armed Services Committees tripled between 1961 and 1976 (Hadwiger 1993, 92). Together, these developments meant that Congress would be less likely to defer to Pentagon expertise.

Second, Congress was undergoing its own rapid institutional change in this period. Kenneth Shepsle (1989) points out that the old equilibrium in which Congress was dominated by its full standing committees, and more specifically by the chairs of those committees, was being replaced by a new institutional dynamic in which rank-and-file members were becoming active players in greater numbers of policy areas. This decentralization of power meant not only that each member had more tools at his or her disposal to defend bases selected for closure in their districts, but also that members were less likely to display the kind of deference to the committee chairs of the relevant committees on base closure policy that had been the norm previously.

Third, the particulars of the base closure lists of the early 1970s angered members of Congress. Many members came to believe that closure lists were
politically motivated, that the Pentagon selected for closure bases in the districts of members who were uncooperative with the administration, that it was complicit in hiding information and actively deceiving members of Congress, and that the savings from base closures were not nearly as large as the Pentagon claimed. Looking back on the imposition of restrictions on Pentagon closure plans in 1976 and 1977, Senator Carl Levin (D-MI) argued, the origin of the congressional restrictions on base closings, which we basically have retained in the law over the years, is what happened in Massachusetts in the early 1970s. Massachusetts was the only state to vote Democratic in 1972 and what happened in 1974? President Nixon’s Pentagon came up with a list of bases to be closed, and Massachusetts was disproportionately and heavily impacted by that list. . . . Let me remind my colleagues that there was a reason for this protection. This country is based on a premise that we do not want all power in one branch of Government. There was too much power for the executive branch to unilaterally close bases, and Congress did something about it.

Finally, deteriorating economic conditions in the nation as a whole, and in the Northeast and Midwest in particular, made members of Congress much more sensitive to the economic impact of closures (Hadwiger 1993, 88). When the Pentagon released a base closure list in April 1973 that included 274 separate realignment and closure actions, there was a widespread belief that the actions disproportionately fell on those districts in the Northeast. Shortly before the list was released, a group of predominantly northeastern legislators proposed legislation for an independent commission to review base closure proposals from the Pentagon (Hadwiger 1993, 70–73). The release of the list fanned the flames of discontent in Congress and, though the legislation never passed either house, it served as a formative period for the coalition that would eventually impose real restrictions on Pentagon closure plans.

With roughly five hundred bases closed during the early 1970s (Congressional Quarterly 1989), the Pentagon’s announcement of 147 additional closures in March and April 1976 became the straw that broke the camel’s back. Led by House Majority Leader Tip O’Neill (D-MA) and Representative William Cohen (R-ME), who was enraged by the inclusion of Loring Air Force Base in central Maine on the most recent list of closures, Congress attached restrictive provisions to the military construction bill. It required notification when bases were candidates for closure, a mandatory waiting period of nine months, DOD compliance with NEPA requirements, a
detailed justification of decisions to proceed with closure, and a 90-day wait-
ing period after a decision was made by DOD to close a base in order to allow Congress to block a closure if it so desired. President Ford vetoed the measure despite strong sentiment in Congress for an override. The House did eventually override the veto, but the Senate fell short. Despite this failure, Congress eventually passed and the president signed a nearly identical version of the bill. The only significant change was that the one-year delay in implementation of closures was shortened to sixty days, but the change was effectively meaningless because compliance with NEPA requirements would still take a year. Though this legislation was only effective for one year, a nearly identical provision was passed a year later, which made the procedural changes permanent. Moreover, while the original legislation applied only to military installations employing over five hundred people, it was amended in 1978 to cover all military installations employing over three hundred (Twight 1990, 244–45).

1977–1988

The new base closure procedure effectively stopped base closures cold. When Secretary of Defense Harold Brown proposed base closures and realignments in 1978 and 1979, he was completely frustrated. Charlotte Twight (1990, 246) outlines the difficulty:

Congress now had a profusion of tools with which to undercut proposed base closures: NEPA court challenges, Congressional hearings on the candidate bases and on the detailed justifications DOD submitted, Congressional demands for environmental studies during the authorization and appropriation process even when not otherwise required by law, denial of design funds for base consolidation, disapproval of construction funds to effect closures or realignments, imposition of requirements for alternate use studies or one-year delays prior to implementation, and “remedial” legislation to block entirely DOD’s decision to close or realign a military base. These tools were employed with zeal.

Congress’s victory on the issue was total. No major base—not one—was closed in the period between 1977 and 1988, while thirteen were created (Congressional Quarterly 1989). Moreover, the Reagan administration’s homeport project, which effectively spread out the home ports for the navy, made closures even more difficult politically by expanding the number of legislators with something to defend. Minor revisions were made to base closure procedures in 1982 and 1985, but the net effect was negligible.
What changed, then, in the late 1980s to make base closure politically viable again in the Congress? First, the budget deficit had become a politically salient issue and members were increasingly searching for votes to bolster their deficit-hawk credentials. Second, the thaw in relations between East and West meant that many members of Congress were beginning to look at the large defense budget as a potential source of spending cuts. Third, as we will see, the late 1980s offered a unique window of political opportunity that would make base closure easier for members to swallow.

Whatever the changed political atmosphere was, however, one thing was sure. A successful base closure procedure would have to be sensitive to the historical and institutional developments of the preceding quarter century. Members could not be expected to defer to executive expertise or prestige, and the rise of the more individualized political enterprises in Congress meant that the new process would somehow have to be insulated from the meddling of individual legislators without entirely delegating away key institutional prerogatives. As we will see, only the base closure commission procedure met all these requirements.

Applying the Theory: Procedural Choice and Base Closures

The congressional debate over the base closure commission procedure reveals a variety of ways in which the unique procedure satisfied the many congressional concerns regarding base closure. While the geographic nature of the particularistic cost being imposed and the scope of the policy area were critical factors in the choice of an extra-congressional procedure, it is also clear that the institutional developments in this policy area outlined above served as another critical set of factors in procedural choice. In short, an extra-congressional procedure made sense in the case of base closure because of the sensitive nature of the particularistic cost and also because the policy area in question provided a relatively cost-free avenue of delegation. But the unique form of delegation legislative leaders concocted is evidence of the importance of historical context in understanding procedural choice.

Proposition I. Geographic Concentration of Costs

Perhaps no other concern has been more widely cited and discussed in the difficulty surrounding base closure than the fact that the benefits from military installations are shared by concentrated geographic groups. As discussed earlier, this means not only that these groups have direct representation in
both houses of Congress, but also that they are more likely to organize in opposition to a base closure as a result of their geographic proximity.\textsuperscript{12}

One piece of evidence suggesting the importance of geography is the fact that base closures have always been a matter of much greater sensitivity in the House with its smaller constituencies than in the Senate (Twight 1990, 241). This difference in comparative sensitivity is perhaps best revealed by the way the two houses reacted to Secretary of Defense Dick Cheney’s attempt to unilaterally close bases in 1990. Cheney proposed a list of forty-seven bases to close early in that year. In response, the Senate Armed Services Committee version of the 1991 Defense Authorization bill included provisions to remove some of the procedural hurdles to base closure in place since 1976. The House, on the other hand, adopted procedures designed to preclude any base closures, even those that would have been allowed under the O’Neill-Cohen procedures, until Cheney offered legislation establishing a nonpartisan base closure procedure (\textit{Congressional Quarterly} 1993, 353–54).

The problem of geography was so pervasive in the case of base closures that no major base had been closed in the United States under the O’Neill-Cohen procedures mainly because individual members of Congress were very active in blocking base closures in their districts. As Twight (1990, 250) points out, “it is the perceived duty of every senator and representative to block military base closures or reductions in his or her state or district within the bounds of existing law. Constituents demand it; reelection requires it.” The result was that, by 1988, actively blocking the closure of a military base no longer provided any reward for legislators. It was expected and required of them. The new commission procedure, on the other hand, “might expand such credit-claiming opportunities” (Twight 1990, 276 n44) by allowing members to become heroic advocates for bases on the closure list. In frequently cited remarks, Senator Phil Gramm (R-TX) outlines the political rationale:

The beauty of this proposal is that: If you have a military base in your district—God forbid one should be closed in Texas, but it could happen—under this proposal, I have sixty days. So I come up here and I say, “God have mercy. Don’t close this base in Texas. We can get attacked from the south. The Russians are going to go after our leadership and you know they are going to attack Texas. We need this base. Then I can go out and lie down in the street and the bulldozers are coming and I have a trusty aide there just as it gets there to drag me out of the way. All the people in Muleshoe, or wherever this base is, will say, “You know, Phil Gramm got whipped, but it was like the Alamo. He was with us until the last second.”\textsuperscript{13}
Many others were equally explicit about the way in which the commission procedure would free members of Congress from blame for the loss of geographic benefits. Arguing for the political logic of a congressional vote of disapproval rather than Congress having to vote to approve the base closure list from the commission, Representative John Kasich (R-OH) argues,

I think it makes far greater sense from a political perspective for yourselves not to be held responsible for being able to stop a bill from coming up. It is much easier to be able to make the argument that, “I tried to get a resolution of disapproval, but the Congress just simply wouldn’t buy it.”

Both Kasich’s and Gramm’s comments above suggest a similar logic, then. Legislators could break the chain of traceability between their actions and the negative policy impacts of base closure. Indeed both Kasich and Gramm go beyond mere blame avoidance to suggest the new procedure would open new credit-claiming opportunities; legislators could play the role of tragic hero for their constituents.

Attractive as this logic is, however, it does not deal with the difficulties of delegation. How would the costs of delegation be contained? To whom should Congress delegate?

Proposition II. Scope of the Policy Area

Representative Richard Armey (R-TX) was the main sponsor and the driving force in the Congress behind the commission procedure. He had nearly succeeded in attaching the procedure to the defense authorization bill in 1987, coming just seven votes short. Armey believed that the key to the base closure issue was to view it through an institutional lens. Speaking of the O’Neill-Cohen procedures, Armey (1988, 73) argued, “one can speculate on whether or not the Maine delegation had parochial motives in stopping base closings with red tape, but they would never have been able to sell it to the Congress as a purely parochial concern.” The real issue, he argued, was the legislative-executive battle:

At issue is who will have control of the pork. Any congressional veteran will tell you that pork is power—both the ability to distribute it and the ability to deny it. If the executive branch has unrestricted freedom to close bases, the argument runs, it would have a potent political weapon in its hands to retaliate against anyone who defies the president on key legislation. Congress has an institutional interest in insuring that the
executive branch does not have it. And while parochial interests can be defeated, . . . institutional interests cannot. 16

Armey knew, then, that a base closure procedure would be adopted only if it could address this problem of delegation. Opponents of the commission procedure knew this too, and they went to great pains to depict this delegation of power as apocalyptic. Senator Alan Dixon (D-IL), the primary opponent of the legislation in the Senate, argued,

I do not know, in my professional career, which spans now almost four decades, any kind of exceptional authority as immense, as dramatic, as overwhelming, as undemocratic as the provision in this bill that will permit the Secretary of Defense to appoint a commission of people of his choice to bring back to him a list of bases to be closed, and, boom, they are closed and Congress has nothing to say. 17

Representative Frank Horton (R-NY) referred to Armey’s bill as “the largest unbridled delegation of legislative authority in the history of this country,” 18 and Senator Levin referred to it as “an excessive delegation of power. It is not in keeping with our celebration of the Constitution, which calls for divided power.” 19

Meanwhile, both sides of the debate outlined the dangers of allowing for any “political” influence over base closure decisions, whether it comes from Congress, the Pentagon, or the White House. Senator William Cohen took to the Senate floor to explain that it was the constant stonewalling of information from the air force regarding the proposed closure of Loring Air Force Base in Maine that had led him to become a sponsor of the restrictive base closure legislation in 1976 and 1977. 20 Representative Jim Kolbe (R-AZ) pointed out that the “most important” aspect of a base closure procedure must be that “the executive branch will not be able to make arbitrary or capricious decisions.” 21 Representative Armey reiterated his view that the “larger concern” in base closure is the interest of the institution:

Historically, base closing has been used as a point of leverage by administrations, both Republican and Democratic administrations, as political leverage over and above Members of Congress to encourage them to vote in a manner that the administration would like. So we have communities afflicted, and we have seen, I am afraid, even base closings that would hamper our nation’s defense out of a sense of political interest. 22
This institutional problem was so sensitive, in fact, that during the congres-
sional debate many members raised concerns about the lack of independence
of the commission and its staff. An opponent of the commission process,
Representative Porter pointed out that the Armey bill would simply be pro-
viding legal sanction to base closure efforts already underway by Secretary of
Defense Frank Carlucci:

The Secretary of Defense has chartered a commission which presently is
comprised of his appointees, staffed by his staffers, receives information
from his offices, will report directly to him, and whose recommendations
will probably lead to the closing or realigning of a number of military
installations. All of that without any congressional input.23

Porter eventually proposed an amendment barring anyone from serving on
the commission staff who had been employed by the Pentagon within the
past year.24

In light of these institutional concerns, it is not hard to imagine why the
commission process was politically attractive. Congress would delegate
authority to propose base closures to an ad hoc institution and force the exec-
utive to close only those bases approved by the independent commission or
close none at all. But as with most great works of art, the beauty of the com-
mission process as a solution to the institutional problem of delegation was
most evident in the details.

Kenneth Mayer (1995, 395) points out that members of Congress made
sure to limit “the domain of the agent’s authority” by establishing decision-
making criteria for the commission; establishing membership controls over
the commission; and, most importantly for our purposes, restricting the juris-
dictional scope of the commission’s deliberations. The decision-making crite-
rion imposed upon the commission both limited the range of candidates for
closure and forced the creation of a written record, which could later be sub-
ject to analysis by other independent organizations such as the GAO.
Mayer (1995, 400–401) provides an example of how the criteria limited the
commission’s discretion:

One criteria [sic] imposed on the 1988 commission, but dropped there-
after, was a requirement that all costs of any one base closure be recov-
ered within six years. The origin of the requirement was a mystery; it was
added to the 1988 bill by the House Armed Services Committee, but
nobody outside of the committee—not even the commission itself—knew
who had inserted it or why it was there. The provision meant that the
commission could not close any large bases because it was impossible to quickly recover the huge costs of shutting down a major installation (transfer of military personnel, upgrading facilities elsewhere, property disposal, etc.) and the shutdown itself might take several years.

Congress also exerted control over the membership of the commission and its staff. Under the 1990 procedure, the president could appoint members of the commission, but the nominees were subject to Senate confirmation. In the first round, Congress required that half the commission staff had to be people who had not held positions within the Department of Defense within the past year. In the 1990 law, the level was raised to two-thirds, and requirements were added specifying that no Defense Department employee could serve as a lead analyst on commission research and that Defense Department employees who had previously worked on base closure issues within the Pentagon could not serve on the staff (Mayer 1995, 402).

Finally, and most importantly, Congress also limited the commission’s discretion by limiting its jurisdiction. Many members of Congress fought to allow the commission to consider overseas bases for closure. Representative Jon Kyl (R-AZ) argued that foreign bases should not be included because “it is going to muddle the thing up, it is going to complicate it so much that we are really not going to accomplish the first task we set out to accomplish.” Armey pointed out that foreign bases had to be omitted in order to prevent this commission from being sort of sucked into what might be, from a decision-making point of view, a bottomless pit of international relations and a number of considerations of foreign policy and international treaties that take us far beyond the original scope of this bill.

But this was more than just a matter of making life easier for the commissioners. Members of Congress were very much interested, as Mayer (1995, 404) points out, in limiting the ability of the commission “to make judgments and trade-offs that crossed any issue boundaries.” Provisions were added in 1990, for instance, that prohibited the commission from looking at facilities that were not under the direct control of the Department of Defense, so that facilities under the control of the Army Corps of Engineers could be protected (Mayer 1995, 405).

It is clear, then, that the scope of the policy area played a central role in procedural choice in the case of base closures. The amendment to include foreign bases in the commission’s purview has obvious political appeal.
Members could then vote to cut the deficit, improve defense posture, and know that at least some of the costs (and hopefully most of them) would be borne by nobody’s district. Despite this inherent appeal, the amendment failed by wide margins in both houses. Why? Because members obviously perceived more political danger in allowing the agent (in this case, the commission) to influence a larger number of issues in other policy areas than they saw in simply rolling the dice and allowing for the potential of the commission closing bases in their own districts.

Thus, the variety of ways in which members of Congress were able to limit the discretion of the commission goes a long way toward explaining why Congress utilizes extra-congressional procedures in the case of base closures and does not do so in broader policy areas such as tax reform. The delegation of authority to implement particularistic cuts is simply not a politically realistic possibility in the case of broad policy areas because, by definition, it would be impossible to limit the jurisdiction of the agent in the way this was done in base closure.

Proposition III. Political Time

The case of base closure also points to the importance of each of the three factors that relate to political time mentioned in the first chapter. First, it is absolutely clear that by the late 1980s, most members of Congress, in addition to elites in the Pentagon and the White House, believed that there were too many military bases and that closing military bases could both improve force posture and save money at a time when deficits were a significant concern.

Second, the procedural vehicle eventually used is a result of the institutional evolution within the policy area over time. That members of Congress view the construction and closure of military bases through a parochial lens has as much to do with the ways in which military bases were first built—remember that these decisions are sealed off in a separate subcommittee from all other defense decisions—as it does with the nature of the policy area or the geographic concentration of the benefit. In addition, we have also seen that the perceived political abuse of base closures by the Pentagon and the White House in the 1970s was a major reason why members restricted the Pentagon’s power to unilaterally close military bases in the late 1970s. In attempting to close military bases a decade later, coalition leaders had to be sensitive to this historical context. Effectively, this meant that certain procedural options were not politically feasible. Specifically, delegation of authority to the president or the Pentagon to unilaterally draw up a list of bases to
be closed was understood by all to be unacceptable.

Much of the congressional literature deals directly with the development of social norms, practices, and patterns of behavior that help to structure conflict within the institution. While those norms certainly owe their existence, in part, to rational actors seeking to structure conflict within a large and diverse body, they also are the result of the outcomes of previous conflicts and resolutions. So while other factors explain why Congress cannot handle base closure internally, this historical context serves as the primary reason legislators needed to develop the unique extra-congressional procedure they did.

Finally, it is important to note that the base closure commission process was also very much a product of the electoral calendar. Any piece of legislation that cuts particularistic benefits or imposes particularistic costs can realistically be adopted only if it finds some way to obscure the causal chain between the votes of legislators and the negative policy effects. It is this notion, after all, that leads legislators to utilize procedural tactics in the first place. In this light, there are a variety of reasons why the commission process was more attractive to legislators in 1988 than it had been in 1987, or 1973 (the first time it had been proposed) for that matter.

For example, legislation authorizing the first round of closures was passed shortly before Election Day in 1988, when voters and, more importantly, challengers, would know that the incumbent had voted to close bases generally, but would have no idea which bases were going to be closed. The specific base closure list was to be released after Election Day, on December 31, and there was a requirement that no closures would be implemented prior to 1990. This meant that by the time the economic pinch of base closures was being felt by constituents, there would be several years, a round of redistricting, and at least a couple of elections between any legislator’s vote for base closure and the potentially negative policy effects of those closures (Mayer 1995, 406).

The 1990 law, which called for three additional rounds of base closures, in 1991, 1993, and 1995, displayed a similar temporal sensitivity. First, it called for three rounds of closures at once, limiting the number of votes legislators would have to cast to close bases. Second, it added an extra round of base closures before members would be running for office in their new district boundaries in 1992. Finally, closures would be announced in the middle of nonelection years, allowing members in affected districts time to contain the political damage.

But just as important as all these features was the political timing of the original base closure procedure. During the congressional debate, Representative Dickinson pointed out that
the fact is that many circumstances have come together to make it possible in this short window to pass this legislation now. It is my opinion that if we do not pass this bill and allow these base closures to be named this year, we will be another ten years before such an opportunity comes again. We have a lame duck Congress, we have a lame duck administration, we have a lame duck Secretary of Defense, all of whom support this legislation.

In later debate, Dickinson added, “all these things come into alignment at the same time, and this adds to the credibility of the bill.” Representative Joel Hefley (R-CO) explained that the timing was politically safe because “the commission would report after Election Day and the Secretary would have to act before Inauguration Day.”

In short, there was something special about 1988 as a moment on the electoral calendar that made the vote to close bases far easier than it would have been otherwise. That it was a unique moment is undisputable. The rare double play of a lame duck administration and congressional redistricting directly on the horizon had occurred only a very few other times in the twentieth century when an extra-congressional procedure was arguably unnecessary for base closure. The point here is that the particular moment on the electoral calendar offers constraints and opportunities to coalition leaders that played a role in procedural choice as well.

**Proposition IV. Existence of Powerful Champions**

The unique political sensitivity of base closure is further underscored by the intense debate surrounding congressional involvement in commission deliberations. During that debate, Representative John Porter (R-IL) proposed an amendment that would have included the chairmen and ranking members of the relevant military committees as ex-officio members of the commission. Without hesitation, Representatives Les Aspin (D-WI) and William Dickinson (R-AL), the chair and ranking member of the House Armed Service Committee, fought the amendment. Aspin argued, “I have enough trouble getting myself elected as chairman of this committee in the caucus over here every two years.” Dickinson added, “I would not like to serve on [the commission]. I do not think the gentleman from California [Mr. Dellums] or the gentleman from New York [Mr. Martin] are chomping at the bit or wish to serve on it.”

The amendment was defeated by a voice vote; its easy defeat underscores the rationale for utilizing an extra-congressional procedure to deal with
base closure rather than more common internal procedures such as closed rules and omnibus legislative vehicles. While Congress has been able to craft other pieces of legislation that cut particularistic benefits in favor of some general benefit, such as the Tax Reform Act of 1986, this could be accomplished only because there was some legislator or group of legislators willing to champion that legislation. Because of the geographic concentration of the costs associated with base closure, however, it is clearly impossible to attract a champion of specific closures. It is not surprising, then, that the delegation of authority became an attractive alternative to handling base closure internally.

**Proposition V. The One, the Few, and the Many**

Along these same lines, it is useful to think for a moment about the simple legislative mathematics of the base closure procedure. In theory, the Congress had a variety of alternative paths available in its attempt to close bases. If they had chosen to handle the matter within Congress, they could have closed one base at a time. The problem with this, of course, is not only that no legislator wants to be seen as attacking another member’s parochial interests, but also that the general benefit from such a small policy proposal would be unlikely to generate the necessary enthusiasm to overcome the variety of veto points any bill must overcome. As the number of bases to be closed increases, on the other hand, the general benefits of base closure become more attractive, but the strength and anger of those legislators hurt by the base closures expands exponentially. In short, the general benefit does not become large enough to attract powerful champions and enthusiasm among the rank and file until enough bases are included that the group of legislators on the short end of the stick is too great and too powerful in a legislative process characterized by multiple veto points.

The procedure eventually employed recognizes this simple mathematics and makes it work to the advantage of those seeking closures. Both procedures called upon legislators to authorize base closures prior to finding out which bases would be closed. While some legislators had more cause for concern than others, all could at least reasonably hope that no base in their district would be closed. Once the commission’s list was released, on the other hand, the legislative mathematics had already turned against those with bases on the list.

The number of legislative districts forced to swallow the particularistic pain thus played an important role in procedural choice as well. In enacting a policy in which many districts must endure particularistic costs in favor of
some general benefits, an extra-congressional procedure is clearly preferred by all concerned.

Doing the Right Thing: Did It Work?

Of course, all this was empty symbolism if it did not work. We have seen that Congress decided to move action on base closures out of Congress because the sensitivity of the geographically concentrated costs and the large number of legislators that might suffer electorally because of those costs were such that no well-placed legislative leader was willing to shepherd base closure through the regular legislative process. As a result, Congress created a new, ad hoc, institution with a remarkably limited jurisdictional authority to avoid the problems that attend delegation. We have also seen that Congress timed the procedure so as to further obscure the causal chain between legislators’ votes in favor of base closure and the policy effects of base closure. But did it work? Were bases closed? Was money saved?

In most cases, it is difficult to answer these questions because one cannot prove the counterfactual. We cannot say with certainty what would have happened in the absence of the commission procedures. On the other hand, one is hard pressed to find a single political commentator or political actor who believes that the commission process did not result in more closures than would have been the case otherwise.

In the first round, 86 bases were slated for closure and in the second, third, and fourth rounds, another 246 bases. Many other bases, of course, were slated for realignments, which led to job losses in some cases and job gains in others. The amount of money actually saved from these closures is a matter of some dispute, as the total estimated savings depends on what is counted. The Department of Defense (1995, 1–3) excluded both environmental cleanup costs and the projected revenue from land sales from its calculations, and estimated that the total savings of the four rounds together would be $56.7 billion over twenty years. In rejecting calls for another round of base closures, on the other hand, many members of Congress argued that the four rounds had not generated as much in savings as the Pentagon and the commission claimed (Richter 1997, A19). Even these critics, however, do not dispute the fact that money is being saved as a result of base closures, regardless of how savings are calculated.

Another measure of the success of the commission process is the fact that there were relatively few attempts to circumvent the process to keep bases on the commission lists open and the few attempts that did occur were largely
unsuccessful. Hadwiger (1993, 195) suggests that, in the first round at least, many of the bases closed were unpopular within their districts. While legislators could not be seen to stand idly by while the Pentagon closed these bases, they could allow the bases to be closed if their hands were effectively tied. In any event, there is some empirical evidence to suggest that the reason for the muted response was that legislators correctly determined that the base closures would not be decisive factors in their reelection efforts.36

There were many cases, however, where the response was not muted. Senator Dixon, described as “the Senate’s most vocal opponent of the base-closing panel’s mandate,”37 planned hearings to “grill Pentagon base-closing staffers.”38 Others planned to circumvent the commission process by fighting to block the appropriations necessary to go forward with base closures.39 Senator Arlen Specter (R-PA) challenged the closure of the Philadelphia Naval Shipyard in court and took his case all the way to the U.S. Supreme Court. Though there were cases of a few jobs being saved in very few cases,40 legislators were otherwise completely unsuccessful in keeping targeted bases open.

Another possible indicator of the commission process’s success was its ability to co-opt some of its strongest victims and detractors. For instance, Representative Jim Courter (R-NJ) served as the chair of the commission for its second and third rounds. Though Courter supported the commission process, he was a strenuous and vociferous opponent of the list that emerged from the first round of the commission process (Palmer 1991). That list called for the closure of Fort Dix, a major base in New Jersey, and on April 18, 1989, less than two years before he was appointed as chair of the second commission by President Bush, Courter voted for the joint resolution seeking to overturn the base closure recommendations in the House.

Senator Dixon, as we have seen, was the primary opponent of the commission process in the Senate in 1988, telling one reporter, “You’ve got to understand. This process was designed to stop a guy like me.”41 He fought vigorously to keep Chanute Air Force Base in Illinois open after it was recommended for closure in the first round of the commission process, declaring its closure “an American tragedy.”42 Nevertheless, Dixon accepted the appointment as the chair of the commission for its fourth round of closures.

Without a doubt, however, the greatest conversion on the issue of military base closures is that of William Cohen. No sooner was Cohen, the author of the legislative provisions in 1976 and 1977 that made it so difficult for the Pentagon to close military bases in the first place, named secretary of defense than he was calling for additional rounds of base closure. Sounding like a member of the base closure choir, Cohen said:
What I’ve told my former colleagues is that there aren’t any more easy choices. Those are all gone. It’s hemlock time now. Are you going to protect these excess facilities that are no longer needed, or are you going to protect our forces by putting modern weapons in their hands?43


Conclusion

The last round of the commission process led to nearly as much anger and resentment within Congress as there had been in 1976. President Clinton privatized jobs in Texas and California that were supposed to have been shifted to bases in other states. In the wake of this action, Armey, then the Majority Leader in the House, suggested,

They [members of Congress] could overcome their fear of losing a base as long as they thought they had a fair shake in the matter. But the president poisoned the well badly. . . . You cannot have a commission, you cannot have closures without trust and confidence. . . . It’s my honest assessment that you will not have another commission as long as Bill Clinton is in the White House and the reason is that, no matter how much he pleads that this time he will play it straight, they won’t believe it.44

This view reemphasizes the argument made in this chapter. Congress will not close bases itself because of the geographic nature of the particularistic costs involved. Congress will not delegate authority to the Pentagon or the president to close bases unilaterally because of the history of base closures—a history that has now apparently been reinforced. Today, military bases can be closed only with a procedure that delegates authority, temporarily, to an institution independent of the executive, and only with a procedure sensitive to the political calendar. In short, the story of base closures teaches us that extra-congressional procedures can empower Congress to do what it simply cannot do otherwise.45 In this case at least, extra-congressional procedures helped the Congress to “do the right thing.” Additional questions about extra-congressional procedures remain, however. For instance, the case of base closures raises interesting new questions about Congress’s use of an extra-congressional procedure (fast-track proce-
dures) in trade policy. The congressional debate surrounding base closures clearly indicates that one reason members of Congress were comfortable delegating the extraordinary authority they did, was because of the narrow nature of the policy area. This is clearly not the case with trade policy; NAFTA illustrates the wide range of policy areas trade policy affects.

Similarly, a deeper understanding of the story of base closures raises our level of curiosity about the case of nuclear waste disposal. On the surface, at least, these two cases appear to have much in common. They are both cases in which Congress is seeking to impose geographically concentrated costs in favor of some general benefit. Moreover, they are both very narrow policy areas, suggesting delegation of authority as a possibility since the jurisdiction of the agent could be restricted quite easily. Why, then, did legislators not utilize an extra-congressional procedure in the case of nuclear waste disposal? We respond to this question in the next chapter.