

A Different Angle on the Aspin-Brown Commission

Commentary

L. Britt Snider

I read Loch Johnson's account of the work of the Aspin-Brown Commission in the mid-1990s[1]—which appeared in *Studies in Intelligence*, Vol. 48, No. 3—and was on the verge of letting it pass unchallenged. While there are many statements in the article that I do not agree with, Johnson is entitled to his own opinion of the commission's process as well as its end product. But his account of the commission's creation is factually inaccurate, and, inasmuch as this article is apt to stand as the only published account by an “insider” of the commission's work, I feel obliged to correct it.

Johnson states that the motivation for creating the commission was the debacle in Somalia that had taken place in October 1993. This may well have been what interested former Secretary of Defense Les Aspin in undertaking a review of intelligence capabilities once he had resigned as secretary and been appointed to chair the President's Foreign Intelligence Advisory Board (PFIAB), but it was not what motivated Congress to create the commission. The principal motivation was the Ames spy case, which broke in February 1994. Many senators, notably Senator John Warner, feared that the case would add fuel to the anti-intelligence sentiment that appeared to be growing in the public domain and Congress after the end of the Cold War. Warner was so concerned that he wrote President Clinton soon after Ames was arrested to suggest that he appoint an independent “blue ribbon” commission to look at the roles and capabilities of the US Intelligence Community. He presumed that any such look would revalidate the need to maintain these capabilities and serve as a counterweight to

the negative impressions being created by the Ames case.

Weeks passed, however, without a response from the president. The intelligence committee heard that then-Director of Central Intelligence James Woolsey was opposed to Warner's idea and this was holding up an answer to the senator's letter. In time, Warner received a response from the president saying that he did not believe such a commission was warranted. Warner, who was only trying to be supportive, was annoyed. He called me into his office—I was the general counsel of the Senate Select Committee on Intelligence—and asked me to draft language for the annual authorization bill to create our own blue ribbon commission. And instead of leaving the appointments entirely to the president, as he had been inclined to do earlier, he wanted Congress to have a hand in them. I drafted the language he requested, and later that spring it was included in the committee's markup of the authorization bill.

Thus, Warner's proposal for a blue ribbon commission was not, as Johnson suggests, an effort by Warner to block Aspin's plan to have the PFIAB undertake the review. Rather, it was a reaction to what Warner perceived was an uncooperative attitude in the administration, when he was only trying to help. In fact, the notion that the PFIAB might be the mechanism to undertake the review did not surface until after Warner had decided to offer his own proposal.

Johnson is correct that the idea of having the PFIAB (led by Aspin) conduct the “independent review” was not warmly received by Warner, who, by that point, preferred his own alternative. While I was unaware of the meetings between Aspin and Warner in the summer of 1994 that Johnson described in his article, I am not surprised to read that Warner balked at Aspin's proposed solution.

According to Johnson's article, Aspin proposed the combined presidential-congressional commission to Warner in September 1994 as a “take it or leave it” proposal. Warner, according to Johnson's account, accepted it when Aspin indicated his agreement to name me, whom the author describes as a “Warner protégé,” as the commission's staff director. While I am certain Johnson rendered this account in good faith, it was not what happened at all. As I have noted, the idea for a combined presidential-congressional commission had been Warner's idea from the beginning, and it was clearly going to be enacted as part of the intelligence authorization bill that year, whether Aspin agreed with it or not. What became the nub of the issue for Warner was whether the president would

make all of his nine appointments from the PFIAB—which is what Aspin wanted—or would appoint a few members from outside the PFIAB—which Warner preferred. As it turned out, of course, the president made all of his appointments from the PFIAB, as Aspin had recommended.

Johnson's assertion that Aspin selected me as staff director because I was a protégé of Warner's and it was part of a deal is simply wrong. I was not approached by anyone about serving on the commission's staff until Aspin called me in December to ask if I would like to be considered for the job of staff director. This was well after Congress had created the commission. This conversation led to a series of interviews with Aspin over a period of weeks, during which I became aware Aspin was seriously considering at least one other candidate for the job. Finally, as much as I admire Senator Warner, I never worked for him and, coming from the other party, can hardly be described as his “protégé.”

The Aspin-Brown Commission came along at a time when intelligence was on the defensive. The name of the game was not beefing up the function, as it is today, but rather preserving it in the face of mounting attacks. Most of the commission members were practical in their approach, not given to radical solutions. They were led by two former secretaries of defense, intensely mindful of the military's concerns. Although, with the advantage of hindsight, the commission's report can be faulted, perhaps, for not going far enough, I believe it accurately represented the way the members felt at the time, after considering the most egregious problems confronting the Intelligence Community at that point and a wide range of proposals for solving them.

[1]Formally titled “The Commission on the Roles and Capabilities of the United States Intelligence Community.”

L. Britt Snider served as staff director of the Aspin-Brown Commission.

The views, opinions and findings of the author expressed in this article should not be construed as asserting or implying US government endorsement of its factual statements and interpretations or representing the official positions of any component of the United States government.