To: National Security Commission on Artificial Intelligence
From: Jordan Tama, Ph.D. and Christopher Kirchhoff, Ph.D.
Subject: What Makes Commissions Successful – Lessons from the Political Science Literature on Past Commissions
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Commissions have a long history in the Western democratic tradition. Royal commissions given writ by the British crown date to at least 1494. George Washington empanelled a commission to help defuse the Pennsylvania Whiskey Rebellion. When it failed, he was forced to ride West with the Army in 1794. More recently, the National Commission on Terrorist Attacks Upon the United States, popularly known as the 9/11 Commission, showcased the power of an independent body to unearth new facts about a complex breakdown.

As motors of reform, commissions wield singular power. They can provide the definitive account of an issue and frame the way an issue is discussed in the media and policy circles. They also frequently drive changes in official policy and issue recommendations that reshape how government is organized. They operate in, and help define, what scholars term the "policy window" that opens when crisis or concern has reordered political priorities. Commissions can also, depending on how they are managed, fail to achieve any of their aims.

This memo describes common types of commissions, explains how commissions can be valuable, and makes recommendations for maximizing the impact of the National Security Commission on AI (NSCAI). It is based on research we have conducted on commissions that have addressed national security, including a comprehensive database of all 55 national security commissions created by the U.S. government between 1981 and 2009, and other major scholarly works on commissions from the political science literature.

Types of Commissions

Broadly speaking, the term commission is regularly used to describe two kinds of institutions: 1) permanent governmental bodies that possess regulatory authority, such as the Federal Trade Commission; and 2) temporary advisory bodies that lack formal regulatory authority, such as the NSCAI. This memo's discussion of the value of commissions and lessons learned from them is based on research on the second type of commission, often called an "ad hoc" or "independent" commission.

Independent commissions can be further categorized based on their role. Some commissions are created in response to a crisis or disaster, such as a terrorist attack or a major accident that caused many deaths. The mandate of such crisis or disaster commissions often includes the conduct of an investigation into what went wrong, as well as the generation of policy recommendations. Since crises and disasters often generate pressure on policy makers to adopt reforms, they tend to create windows of opportunity for commissions to see their recommendations get adopted. This partly explains why the most famous national security commission in American history – the National Commission on Terrorist Attacks Against the United States, or 9/11 Commission – was very successful in shaping important intelligence and counterterrorism reforms.

Other commissions, such as the NSCAI, are formed when government decision makers see a need for policy innovation, but the complexities of an issue overwhelm the political system. In

this context, government decision makers seeking new ideas or consensus about potential policy changes sometimes see value in appointing of a distinguished outside body to carefully explore and recommend a set of solutions. Some political scientists have called these institutions "agenda commissions" because they aim to advance a policy innovation or reform agenda.

The absence of a perceived crisis and the complexity of the issue can make it relatively hard for agenda commissions to get their recommendations adopted by the government, particularly when vested interests oppose changes to the status quo. Historically, agenda commissions have had 31% of their key recommendations fully adopted by the U.S. government, and have had an additional 17% of their recommendations partially adopted. By contrast, crisis commissions have seen their key recommendations fully or partially adopted at rates of 56% and 15%, respectively.[1] Based on the track record of other agenda commissions, a betting political scientist would guess that about half of your recommendations would result in some government action.

Yet these aggregate figures obscure a great deal of variation among agenda commissions. While some agenda commissions have failed to spark any significant policy changes or reforms, others have been quite successful in influencing important changes or public understanding of an issue, and the very best agenda commissions rival important crisis or disaster commissions in seeing many of their recommendations get adopted. The effectiveness of agenda commissions is dependent upon their skill at arriving at a compelling and original set of insights on the issue they are charged to address and building a coalition to see through the changes they call for. Put another way, the outcome of any commission depends at least as much on its own work as on external circumstances.

The Value of Commissions

The power of commissions stems from two critical attributes that can distinguish them from other governmental institutions: 1) extensive expertise and knowledge; and 2) distinct political credibility. These attributes can lead decision makers, the media, and ordinary citizens to perceive the commission's ideas and recommendations favorably.

The first key piece of a commission's power is its expertise and analysis. When a commission conducts in-depth research and presents high-quality analysis, this gives external observers confidence that the commission's recommendations are based on a sound understanding of the issue. This attribute is all the more powerful when there does not exist another body in the government that brings together the breadth of expertise and knowledge possessed by the commission on the issue.

The second key piece of a commission's power is its political credibility. This credibility stems from the independence, stature, and political diversity of commissioners. When a highly-

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[1] These figures are based on the study of all 55 commissions established by the U.S. Congress or executive branch to address national security issues between the start of the Reagan administration in 1981 and the end of the George W. Bush administration in 2009. For each commission, one of us investigated whether each of the recommendations given the most attention in the commission's report was fully adopted, partially adopted, or not adopted at all by the U.S. government during the two years after the report was issued. For more details on the study's methodology, see Jordan Tama, *Terrorism and National Security Reform: How Commissions Can Drive Change During Crises* (Cambridge University Press, 2011); and Jordan Tama, "Crises, Commissions, and Reform: The Impact of Blue-Ribbon Panels" (*Political Research Quarterly*, 2014).

regarded set of commissioners drawn from different political parties and parts of society comes together to recommend a course of action, policy makers and the public tend to accord the commission's recommendations a great deal of respect, especially when the commission's work is not marked by excessive discord or formal dissent spilling over into public view.

Importantly, however, not all commissions possess these key attributes in equal measure. Commissions have to work hard to ensure that they possess and project these qualities, and some commissions do this more effectively than others. Our recommendations below center on ensuring that the NSCAI develops and projects strong expertise and political credibility, builds coalitions that will help see its recommendations through, and paces its work to make full use of two marquee moments – issuing interim and final recommendations.

Recommendations for Maximizing Impact

Based on lessons learned from past commissions, we recommend the following steps and approach for the NSCAI:

Staffing

Analytical Capacity: The power of your commission will result from the original argument it makes for what to do on AI policy. You will need to marshall the best insights, integrate the best analysis, and make shrewd observations on how to change our institutions in light of what we know about AI. You will need to hire commission staff who have the expertise and skills needed to build the evidence for this argument.

Staff Writers: Staff writers are particularly important positions. The final report must faithfully represent the views of the commissioners. Yet the report will be strongest if it is not written by committee. Hiring one or two strong writers will enable the report to be written in a singular voice.

Staff Liaison Relationships: While the NDAA awarded you $10 million in budget, you can easily leverage far more resources by asking for liaison relationships with key centers of expertise inside the federal government. DARPA, IARPA, NSA, and the National Science Foundation are just a few of the many places that have in-house expertise and perspectives on AI. The commission would benefit from inviting them into the commission by asking their directors to appoint a liaison to your staff. In so doing you can mobilize a far broader base of expertise, earning you bureaucratic allies and analytic resources in one swoop.

Literature Review: One of the first products you should ask your staff for is a literature review. Indeed, many other nations have articulated national AI strategies. Think tanks have also articulated their views on how the Pentagon and intelligence community must adapt to excel in an AI-dominated world. An early task will be synthesizing the existing literature on AI and national strategy and then devoting staff resources to areas where there is not yet expert consensus or where the general conclusions of what must be done are not yet translated into the organizational imperatives that will drive DoD, the IC, and the other parts of the federal government, academia, and industry.

Coalition Building

Within the Commission: Commissions are much more successful when they issue unanimous reports.[2] Whereas public agreement among the commissioners sends a signal to observers across the political spectrum and in different constituencies that the commission's ideas are worth supporting, public disagreement can suggest that the commission's ideas are too controversial and may be misguided. Commissioners should therefore make every effort to forge consensus among themselves on the report and recommendations. This will require commissioners to devote substantial time to discussing potentially contentious issues with each other. That said, respectful written dissents on technical issues are not unusual in commission reports. Statements signaling internal discord in the media made during deliberations can be far more problematic, pointing to the utility in arriving at a consensus on how to handle communications as a commission early, to preserve and grow the credibility you begin with.

Some past commissions have found that socializing and sharing experiences early can help build camaraderie and unity among the commissioners. Members of the 2006 Iraq Study Group came to see issues in Iraq through a shared lens after traveling to Iraq together to observe the war firsthand. Members of the U.S. Commission on National Security/21st Century, which presciently reported in January 2001 that the United States was at severe risk of a major attack on its homeland, coalesced around that idea based on the commission's extensive research into security threats and vulnerabilities. It can also help to structure interactions among commissioners in ways designed to minimize any fault lines that might be likely to emerge. The 9/11 Commission did this by having the seats at commission meetings alternate between Democratic and Republican commissioners. Embracing the standard military way of socializing, Board members and staff of the Space Shuttle Columbia Accident Investigation bonded over pitchers of Shiner Boch every Friday at 6pm.

Within the U.S. Government: Equally important is building a coalition of supporters around the commission. The commission already has a natural base of support among the members of Congress who backed the commission's creation. Consulting regularly with these and other key congressional offices will help build a strong foundation on Capitol Hill for enacting into law any recommendations that require legislative action. Similarly, it will greatly benefit the commission to consult closely with key executive branch stakeholders and involve them in the commission's work. Good ways to do this would include asking Acting Secretary of Defense Patrick Shanahan and Director of National Intelligence Dan Coats to name personal representatives to the commission staff. The commission should try to link the White House Office of Science and Technology Policy and the National Security Council to the commission, along with other key White House staff members and confidants of the President on innovation. Beyond creating such links, the commission should work to win over key officials to the arguments you intend to make in the final report. This may help senior executive branch officials see the commission as a vehicle for policy change that they want to influence and support.

Beyond the Government: It will also be critical for the commission to build a base of support among key stakeholders outside government. The commission should build listening sessions into its calendar to make sure it is hearing the views of key sectors and groups with an interest in

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[2] Commissions issuing unanimous reports have had 53% of their key recommendations fully adopted and 24% of their recommendations partially adopted, while commissions that did not issue unanimous reports have had 31% of their key recommendations fully adopted and 12% of their key recommendations partially adopted. Tama, *Terrorism and National Security Reform*; Tama, "Crises, Commissions, and Reform."

AI issues. The commission should also hold at least one public meeting in Silicon Valley. In addition to soliciting the views of members of the public, such public sessions can help build media and public interest in the commission's work. The media in this regard is a crucial vehicle for your aims. A savvy comms plan will have a subset of the Commisison visiting with the editorial boards of major papers and granting a small number of respected journalists exclusive access to profile the commission's work. Long before your final report is issued, you will want to establish yourself as the primary center of gravity of thinking about what the nation should be doing on AI. Institutions of higher education, technology companies, and industry associations will also be key allies who have one signficant advantage you do not—professional lobbyists with significant sway on Capitol Hill. To the extent your interests in increasing federal R&D and public-private collaboration overlap with theirs, they could be a part of the coalition you build to advance your recommendations.

Interim and Final Reports

You can think of the work of the commission as happening in three acts. The first act is about building credibility, to solidify the commission as the pre-eminent body examining questions of AI policy. You will want to exploit early media coverage and the commission's public events and hearings to build anticipation about its interim and final report.

The second act will occur when the commission issues its interim report.   You can very likely negotiate with your Congressional sponsors to delay the timing of your interim report by 1-3 months, so it can be based on more extensive research and consultations. The optimal outcome would be to use this interim report to influence the President's budget, as well as Congressional legislation and appropriations in the FY2020 budget cycle, to begin evovling agency priorities and organizational structures to better boost the nation's competitiveness on AI.

The third and most important moment will occur when the commission publishes its final report. That will be the moment you will want to have multiple things happening simultaneously: prominent coverage of the commission's views, along with every possible validator speaking out in favor of its conclusions and advocating for the adoption of your recommendations.

To maximize the final report's visibility, the commission should also consider publishing its final report with a commercial publisher who can produce the report on a very short time-frame and make it available to the public for purchase at a low price. The 9/11 Commission followed this approach with great success.

The commission should also try to ensure that it retains some personnel and resources for promoting the final report in the weeks and months after it issued. Rather than seeing the report's promotion as a one-day event, commissioners and a skeleton staff should remain available to meet with decision makers and respond to media inquiries during the weeks and months after the report is issued. The commission could consider raising some funds from a philanthropic organization to support this post-report promotion effort or asking Congresss to modestly extend its remit through early 2021. The 9/11 Commission and the non-profit formed in its wake provides a useful model for such an effort.

Concluding Thoughts

One of the most important functions Commissions can serve is taking a wider, and longer, view of the problem they are tasked with solving. So we recommend adopting a wide framing from the outset. While the commission will certainly issue specific recommendations on how the DoD and IC should adapt itself to the rise of AI, the NDAA language presses the Commission to answer even broader questions -- for example "means and methods for the United States to maintain a technological advantage" and what "public-private partnerships and investments" are necessary for the nation as a whole to succeed. It will be important for Commissioners to approach their work knowing they have explicit permission to opine on these broader questions and are being asked to do so by Congress. Indeed, this broader framing is what will give the specific recommendations you make about DoD, the IC, and other parts of the government even more power while also providing the nation something it does not have now – a national strategy on AI.

Having each studied or served on or in support of Commissions ourselves, we also urge you to appreciate how unique the experience you are about to have is in the American political system. You are free of party, any door is open to you, and you have at your disposal some of the most talented national security staff in Washington. If successful, you will not only help our nation wrestle to ground an issue central to the future of American economic competitiveness and indeed the intensifying competition between free and open societies and closed and autocratic ones. You will also likely forge new friendships between yourselves and your staff that will persist long into the future.

Further Reading on Commissions

Christopher Kirchhoff, *Fixing the National Security State: Commissions and the Politics of Disaster and Reform* (PhD dissertation, Cambridge University, 2010)

Thomas H. Kean and Lee H. Hamilton, with Benjamin Rhodes, *Without Precedent: The Inside Story of the 9/11 Commission* (Vintage, 2007)

Jordan Tama, *Terrorism and National Security Reform: How Commissions Can Drive Change During Crises* (Cambridge University Press, 2011)

Amy B. Zegart, "Blue Ribbons, Black Boxes: Toward a Better Understanding of Presidential Commissions," (*Presidential Studies Quarterly*, 2004)

Author Bios

Jordan Tama is Associate Professor in the School of International Service at American University and Co-Director of the Bridging the Gap Project. His research examines the politics and processes of U.S. foreign and national security policy. His books include *Rivals for Power: Presidential-Congressional Relations*, 6th edition (co-edited with James Thurber); *Terrorism and National Security Reform: How Commissions Can Drive Change During Crises*; and *A Creative Tension: The Foreign Policy Roles of the President and Congress* (co-authored with Lee Hamilton). He has also published articles in the *New York Times*, *Washington Post*, *Foreign Affairs*, *Foreign Policy, The Hill*, and various other publications. His work has been supported by the American Political Science Association, Woodrow Wilson Center, Social Science Research Council, IBM Center for the Business of Government, and Frankel Family Foundation. He has

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Christopher Kirchhoff leads the Schmidt Futures Challenges Project, a generational effort to harness the power of technology and science to solve the biggest challenges facing humanity. A strategist in emerging technology, Kirchhoff previously created and led the Pentagon's Silicon Valley Office, Defense Innovation Unit X, was Director for Strategic Planning at the NSC, Special Assistant to the Chairman of the Joint Chiefs of Staff, and Senior Advisor to Presidential Counselor John Podesta. Kirchhoff authored the White House Big Data report, Space Shuttle Columbia Accident Investigation report, U.S. government history Hard Lessons: The Iraq Reconstruction Experience, and the NYTs op-ed, "Silicon Valley Must Go to War." He graduated in History & Science from Harvard College and holds a doctorate in politics from Cambridge University, where he was a Gates Scholar. He has been awarded the Secretary of Defense Medal for Outstanding Service and the Civilian Service Medal for duty in Iraq.