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possible solutions. This is in no way, however, a lessening of congressional concern about the overinvolvement of the NCA in crises that do not justify high-level intervention.

F. DESCRIPTION OF SOLUTIONS TO PROBLEM AREAS

In this section, possible solutions to the problem areas of the unified and specified commands are described. It should be noted that the options presented in this section to solve a problem area may or may not be mutually exclusive. In some instances, only one of the options to solve a problem area could be implemented. In other cases, several options might be complementary.

1. PROBLEM AREA #1—CONFUSED CHAIN OF COMMAND FROM THE COMMANDER IN CHIEF TO THE OPERATIONAL COMMANDERS

The principal guideline for solving this problem area is to clarify the statutes and DoD directive dealing with the operational chain of command. The seven options for solving this problem differ as to what specific responsibilities in any clarification should be assigned to the Secretary of Defense, the JCS Chairman, and the JCS.

- Option 1A—remove the Secretary of Defense from the chain of command

Some observers argue that the Secretary of Defense has never acted as a full-fledged member of the chain of command. Moreover, since 1958, Secretaries of Defense have had little military experience and seem to have conducted themselves more as managers and policymakers than as military commanders. In his book, *Organization for National Security, A Study*, Lieutenant General Victor H. Krulak, USMC (Retired) argues: "...the law still holds a civilian executive [the Secretary of Defense] legally responsible for professional military matters which, for the most part, are beyond his competence." (page 115) Removing the Secretary of Defense from the chain of command would merely be a formal recognition that Secretaries of Defense, for a variety of reasons including inexperience, have not usually been heavily involved in the command function.

Under this option, the chain of command would run directly from the Commander in Chief to either the JCS Chairman or the JCS. The Secretary of Defense would be involved only if the Commander in Chief requested his participation.

- Option 1B—clearly assign to the Secretary of Defense the role of commander of the operational commanders

This option would clarify the current ambiguous chain of command by specifying that the Secretary of Defense is the sole commander of the operational commanders. The Secretary's authority "to command" would be specifically included in the statutes. It may be even desirable to designate the Secretary of Defense as the Deputy Commander in Chief. Moreover, it would be absolutely clear that the Secretary of Defense was the principal contact in the DoD policymaking level for the operational commanders.

- Option 1C—establish a position for a second Deputy Secretary of Defense who would be responsible for assisting the Secretary of Defense on military operational matters

The *Report of the Blue Ribbon Defense Panel* concluded:

For all its size, the OSD has no staff element with significant purview of the area of military operations, despite the fact that the Secretary of Defense, since the 1958 amendments to the National Security Act, is the crucial link in the chain of command between the Commander-in-Chief and the Unified Commanders.

If the Secretary of Defense is to discharge effectively his responsibilities as a key element of the National Command Authority—and the alternative of removing him from the chain of command would, in practice, reduce “civilian control” to a fiction—it is clear that he must have an adequate staff for the purpose.

The present arrangement for providing staff support to the Secretary of Defense for military operations is awkward and unresponsive; it provides a forum for inter-Service conflicts to be injected into the decision-making process for military operations; and it inhibits the flow of information to and from the combatant commands and the President and Secretary of Defense, often even in crisis situations.

...This lack within OSD of expertise in military operations critically impairs civilian control of the military establishment.

...The absence of a staff element for military operations directly responsive to the Secretary of Defense constitutes a deficiency which can be tolerated only at high risk. (pages 27-28)

In light of these conclusions, the *Report of the Blue Ribbon Defense Panel* recommended establishment of the position of a Deputy Secretary of Defense who would have responsibility for military operations, unified commands, operational requirements, intelligence, telecommunications, international security affairs, the Defense Communications Agency, and civil defense.

The situation that existed at the time the Blue Ribbon Report was written does not appear to have changed. The Secretary of Defense does not have assistants in OSD to help him on operational matters; he is totally dependent on the JCS and the Joint Staff. The disadvantages of this arrangement are compounded by (1) the relative inexperience of the Secretary on operational matters; (2) the limited amount of time that the Secretary can devote to his chain of command responsibilities; and (3) the closed staff nature of the JCS system.

This option would be similar to the Blue Ribbon Defense Panel recommendation. It would differ in that the responsibilities of the Deputy Secretary would be limited to operational matters but would not involve such areas as intelligence and telecommunications.

◦ Option 1D —place the JCS Chairman in the chain of command

If one believed that the military should be formally represented in the portion of the chain of command found at the policymaking level of DoD, this option would place the JCS Chairman, but not the entire JCS, in the chain of command to provide this representation. DoD has recommended this option in its legislative proposal dated April 18, 1983. The House of Representatives included this option in legislation that it passed in 1983 (H.R. 3718) and 1984 (H.R. 5167) to reorganize the Joint Chiefs of Staff.

JCS Publication 1, *Dictionary of Military and Associated Terms*, defines the term "chain of command" as follows:

The succession of commanding officers from a superior to a subordinate through which command is exercised. (page 62)

As to the term "command", JCS Publication 1 presents the following definition:

The authority which a commander in the military Service lawfully exercises over subordinates by virtue of rank or assignment. Command includes the authority and responsibility for effectively using available resources and for planning the employment of, organizing, directing, coordinating, and controlling military forces for the accomplishment of assigned missions. It also includes responsibility for health, welfare, morale, and discipline of assigned personnel. (page 74)

Placing the JCS Chairman in the chain of command would make him a "commanding officer" and authorize him to "command". Such action would clearly contradict section 142(c) of title 10, United States Code, which provides in part that the JCS Chairman "may not exercise military command over the Joint Chiefs of Staff or any of the armed forces."

Under this option, the JCS Chairman would have a much more forceful role in choosing and implementing military operational actions. He could be authorized to handle routine operational matters by issuing commands and only involve the Secretary of Defense on critical issues. Moreover, it would be logical under this option to make the JCS Chairman the exclusive contact at the DoD policy-making level for the operational commanders, at least on operational matters.

◦ Option 1E —place the JCS in the chain of command

This option differs from Option 1D by placing the entire JCS in the chain of command as the military representatives at the policy-making level of DoD. In essence, this option would be a formal recognition of the current operation of the chain of command.

◦ Option 1F —remove the JCS, including the Chairman, from the chain of command

This option would alter DoD Directive 5100.1 by precluding in statute any role for the JCS or its Chairman in the chain of command. Under this option, the JCS would serve as the military staff supporting the Secretary of Defense, but they would not be astride the chain of command running from the Secretary of Defense to the operational commanders.

◦ Option 1G —make the JCS Chairman the principal military advisor to the Secretary of Defense on operational matters and the sole command voice of higher authority within the JCS system

This option could be adopted along with Option 1B (which would assign to the Secretary of Defense the role of commander of the operational commanders) and Option 1F (which would remove the JCS, including the Chairman, from the chain of command).

While Options 1B and 1F would solve the problem of the confused chain of command, they would not clarify how the Secretary of Defense would exercise his command authority. This option proposes that the Secretary would use the JCS Chairman as his principal military advisor on operational matters. Furthermore, the JCS Chairman would solely be responsible for transmitting the orders of the Commander in Chief and Secretary of Defense to the operational commanders. Despite these responsibilities, it would be absolutely clear that the JCS Chairman would not be part of the operational chain of command. He would provide advice and assistance to the Secretary of Defense, but the command line would run directly from the Secretary to the operational commanders.

In prescribing the duties of his principal military advisor on operational matters, the Secretary of Defense may or may not want to designate the JCS Chairman as the focal point in the Washington headquarters of DoD for the operational commanders on operational matters.

2. PROBLEM AREA #2—WEAK AUTHORITY OF UNIFIED COMMANDERS OVER SERVICE COMPONENT COMMANDS

Five options have been developed to strengthen the authority of the unified commanders over their Service component commands. The first would revise JCS Publication 2, Unified Action Armed Forces (UNAAF), to lessen the restrictions placed upon the authority of the unified commanders. The second option would authorize the unified commanders to select and replace their Service component commanders. The third option would place the unified commander in the logistical chain of command. The fourth option would be to eliminate the Service component commands and to make them part of the joint staff serving the unified commander. The last option is to collocate the unified commander and his Service component commands.

- Option 2A —revise UNAAF to lessen the restrictions on the authority of the unified commanders

This option would require an extensive revision of UNAAF to give the unified commanders authority over their Service component commands that is consistent with their mission responsibilities and with the concept of unified command.

- Option 2B —authorize the unified commanders to select and replace their Service component commanders

Currently, the unified commanders have minimal, if any, input into the assignment of their Service component commanders. These assignments are made by the Services. Under this option, the unified commanders would be given the authority to select their Service component commanders and to replace them should the need arise.

- Option 2C —require the Service component commands to communicate with their Service headquarters on critical resource issues through their unified commander

Under this option, the unified commander would be placed in the logistical chain of command on critical issues. The link between the Washington headquarters of the Military Departments and Service

component commands would be weakened, and the unified commander would have greater control and influence over his subordinate commands.

- Option 2D —eliminate the Service component commands and make them part of the joint staff serving the unified commander

If less drastic changes would not provide the unified commander with sufficient authority over his Service component commands, it may be necessary to consolidate these commands with the joint staff of the unified commander.

The *Report of the Blue Ribbon Defense Panel* made this exact recommendation:

The Unified Commanders should be given unfragmented command authority for their Commands, and the Commanders of component commands should be redesignated Deputies to the commander of the appropriate Unified Command, in order to make it unmistakably clear that the combatant forces are in the chain of command which runs exclusively through the Unified Commander. (page 57)

The Final Report of the Defense Organization Project of the Center for Strategic and International Studies (CSIS), entitled *Toward a More Effective Defense*, made the same recommendation:

The component commanders should not be service representatives with independent authority. Instead, the relationship between a unified commander and his service component commanders should be that of a commander and his deputies for air, land, and sea operations. (page 21)

- Option 2E —colocate the unified commander and his Service component commands

The geographic separation of the unified commander and his Service component commands serves to lessen his authority and control over them. Colocation could be an effective means of strengthening the authority of the unified commander.

3. PROBLEM AREA #3—IMBALANCE BETWEEN RESPONSIBILITIES AND ACCOUNTABILITY OF THE UNIFIED COMMANDERS AND THEIR INFLUENCE OVER RESOURCE DECISIONS

The principal thrust of efforts to correct this problem is to strengthen the role of the unified commanders in policymaking and resource allocation. This idea has been presented in a number of studies. The Blue Ribbon Defense Panel recommended that:

The Unified Commanders should be given express responsibility and capability for making recommendations to the Deputy Secretary of Defense for Operations, for operational capabilities objectives and for allocations of force structures needed for the effective accomplishment of the missions assigned to their Commands. (page 5)

Similarly, the National Military Command Structure Study recommended:

That the role of the CINCs be expanded to include a participating voice in determining requirements of forces under his command. (page 38)

While there is general agreement on the need to strengthen the link between the unified commanders and the DoD policymaking level, how such a proposal could be implemented has not been discussed in previous studies.

The eight options developed to lessen this problem area can be grouped into four categories: (1) increase the stature of the unified commanders; (2) strengthen the ability of the JCS system to represent the unified commanders; (3) strengthen the ability of OSD to represent the unified commanders; and (4) develop new procedural mechanisms to augment the influence of the unified commanders over resource allocations or to increase the level of resources directly under the control of the unified commanders.

- Option 3A —increase the stature of the unified commanders by making them more senior in order of rank than the Service Chiefs

The U.S. military establishment has often had difficulty, especially in wartime, in determining the relative power and influence that should be assigned to Service Chiefs and to field commanders. At present, the Service Chiefs are more senior than the unified commanders. This relative order of rank may lessen the authority of the unified commanders and contribute to the problem of insufficient authority over resource decisions.

This option would alter the relative order of rank. The JCS Chairman would continue to be the most senior U.S. military official. The unified commanders would be next in terms of order of rank. The Service Chiefs would follow the unified commanders in seniority. The status of the specified commanders in order of rank would not change under this option.

- Option 3B —strengthen the capabilities of the Joint Staff to do resource analysis

Part of the inability of the JCS to make meaningful programmatic inputs results from a lack of Joint Staff capabilities for independent resource analysis. Strengthened Joint Staff capabilities in this area may permit a more persuasive input from the JCS system in support of the unified command perspective. An initiative to provide for improved resource analysis capabilities has already been taken in the Joint Staff through establishment of the Strategic Plans and Resource Analysis Agency.

- Option 3C —enhance the independent authority of the JCS Chairman

The thrust of this option is to enable the JCS Chairman to be better able to represent cross-Service issues that are of great importance to the operational commands, especially the unified commands. Specific actions to enhance the independent authority of the JCS Chairman are presented in Chapter 4 dealing with the Organization of the Joint Chiefs of Staff.

- Option 3D —more clearly link the JCS Chairman with the operational commanders

This could be done by clarifying the operational or administrative chain of command and associated responsibilities. The Department of Defense Authorization Act, 1985 amended section 124 of title 10, United States Code, to strengthen the role of the JCS Chairman as the spokesman for the operational commanders. The specific language was:

Subject to the authority, direction, and control of the Secretary, the Chairman acts as the spokesman for the commanders of the combatant commands on operational requirements. (page 126)

- Option 3E —create OJCS offices to represent the unified commanders on a day-to-day basis on policy and resource allocation issues

If the OJCS were organized on a mission basis (Option 1K of Chapter 4), the mission-oriented offices could perform this task. If not, new offices, similar to the now abolished Washington Liaison Office of the Rapid Deployment Joint Task Force, would have to be created within OJCS. To be able to effectively represent the unified commanders, these offices would require unimpeded access to the JCS Chairman.

- Option 3F —have OSD mission-oriented offices represent the unified commanders on policy and resource allocation issues

If new OSD mission-oriented offices headed by under or assistant secretaries were created, the unified commands would have a single point of contact within OSD on policy and resource allocation issues. Under this option, the policy and resource allocation inputs of the unified commands would be directed to principal OSD advisors of the Secretary of Defense who would share a mission and multi-Service perspective with the unified commands.

- Option 3G —have the operational commanders submit operational Program Objective Memoranda

Currently, the resource allocation process is centered around Program Objective Memoranda (POM's) submitted by the Military Departments. This option proposes the submission of POM's by the operational commanders identifying primarily the readiness and sustainability resource needs of their entire commands. These POM's could also focus on procurement requirements that cross Service lines, such as communications programs. These POM's would represent a formal input by the operational commanders and would highlight cross-Service considerations to counterbalance the single-Service perspective of the Military Department POM's.

The CSIS report, *Toward a More Effective Defense*, includes this option in its recommendations:

The military division of labor between force-maintaining and force-operating structures should be reflected in the programming and budgeting processes. Specifically, we propose that a separate program and budget be established for the operational forces that would be prepared and executed by the unified and specified commanders under the supervision of the chairman of the JCS. Under this proposal, each service would continue to produce its program and budget for procurement, re-

search and development, training, and associated operational and personnel costs. But, many of the in-theater operating costs of the service components of the unified and specified commands would be shifted to a new joint account. This separate "readiness" program and budget would include such items as operating and maintenance expenses, in-theater training and exercise costs, certain military construction costs (ammunition storage, for example), and some family housing costs. The specific items that would be included in the new account would be determined on the basis of a line-by-line review of current department accounts. (page 19)

◦ Option 3H —approve the use of the CINC Readiness Fund

In both fiscal years 1983 and 1984, the Department of Defense requested, but the Congress denied, funding of \$100 million for the CINC Readiness Fund. The CINC Readiness Fund was intended to provide unified commanders with a source of funds to meet unanticipated, unprogrammed, urgent, near-term readiness and war-fighting requirements. DoD's rationale for such a fund was based upon the financial dependence of the unified commands on Service components to meet their unprogrammed requirements and upon the difficulties associated with the reprogramming and supplemental processes.

In fiscal year 1985, a similar funding request for \$50 million was made by DoD under a program entitled JCS Special Fund. This funding request was also denied by the Congress. However, the Congress did provide authority for the Secretary of Defense to make available from Operation and Maintenance authorization funds sums necessary to meet the contingency requirements of the unified and specified commands. Specifically, Section 304 of the DoD Authorization Act, 1985 provides:

CONTINGENCY FUNDS FOR THE UNIFIED AND SPECIFIED COMMANDS

Sec. 304. The Secretary of Defense may make available to the Joint Chiefs of Staff, out of any funds appropriated pursuant to the authorizations contained in section 301 for the Army, Navy, Marine Corps, and Air Force, such sums as may be necessary to meet unforeseen and contingent requirements of the unified and specified commands of the Armed Forces.

While this provision is a recognition that the unified commands are too dependent on the independent programmatic and financial decisions of their Service components, it also represents an indication that the Congress is not convinced of the need for separate and distinct appropriations to meet the unprogrammed requirements of the operational commanders.

This option would endorse the concept of the CINC Readiness Fund/JCS Special Fund as a means of providing the operational commanders with greater influence over resources.

4. PROBLEM AREA # 4—ABSENCE OF UNIFICATION BELOW THE LEVEL OF THE UNIFIED COMMANDER AND HIS STAFF

Four options have been developed to lessen this problem area.

- Option 4A —clarify appropriate command relationships within the unified commands, especially concerning the principle of unity of command

The Department of Defense has taken an ambivalent approach to the concept of unity of command. This is reflected both in doctrinal writings as well as command relationships within the unified commands. In particular, the concept of “in-support-of” forces appears to directly contradict the principle of unity of command because it permits divided command.

This option proposes that the Secretary of Defense clarify the currently ambiguous concepts concerning appropriate command relationships.

- Option 4B —revise UNAAF to remove obstacles to the creation of additional sub-unified commands and other necessary subordinate joint organizations

If the unified commanders are to be able to orchestrate warfare throughout the conflict spectrum, subordinate organizations must be unified as far as possible down the command chain. The only constraints to the application of this principle would be when logistical, administrative, and training inefficiencies would be created that outweigh the benefits of enhanced unification or when necessary flexibility in force deployment or employment would be lost. UNAAF is a major obstacle to obtaining desired unification at subordinate levels because it places great emphasis on maintaining uni-Service integrity. This option would require revisions to the UNAAF designed to promote appropriate unification in subordinate levels of the unified command.

- Option 4C —remove the Service component commanders from the operational chain of command

The requirement that operational command be normally exercised through the Service component commanders is a major impediment to unification. This option would solve this problem by removing the Service component commanders from the operational chain of command. The Service component commands would then be limited at the operational level to logistical responsibilities comparable to the responsibilities of the Military Departments within the policymaking level of DoD.

The CSIS report, *Toward a More Effective Defense*, recommended that the unified commander be authorized to establish his chain of command:

Although the National Security Act grants the unified and specified commanders “full operational command” of the forces assigned to the combatant commands, it leaves the definition of that phrase to the JCS. In our view, the JCS have defined “full operational command” too narrowly. Specifically, the JCS guidelines that require a CINC to exercise operational command only through the component commands and those that allow the component commander to select subordinate units to perform tasks assigned by the unified commander should be relaxed. Subject to approval by the secretary of defense, the CINC should have the authority to establish the operational

chain of command in his theater and to select the units he believes necessary for a given military operation. (page 21)

- Option 4D —place greater emphasis on joint training within the unified commands

If subordinate forces in the unified commands cannot be organized on a more unified basis, the ability of forces to take unified action could be improved by more joint training. This option would provide for expanded joint training programs within each unified command.

General W.Y. Smith, USAF (Retired) comments on inadequate joint training:

...for a variety of reasons, the CINC historically has not achieved what he believes is a satisfactory level of joint training. He has had to rely heavily on Service training for the readiness of his units, but, as noted, he has little or no influence or control over that training. (*The U.S. Military Chain of Command, Present and Future*, page 6)

To correct this problem, General Smith recommends:

...since the JCS exercise program is central to the CINC's ability to train his forces, JCS exercises should receive a higher priority in the available funding. A balance between Service-oriented exercises and joint exercises is justified; however, the balance is not yet correct. (page 32)

5. PROBLEM AREA #5 —ABSENCE OF AN OBJECTIVE REVIEW OF THE UNIFIED COMMAND PLAN

The first two options to lessen this problem area focus on improving the work of the JCS system on the Unified Command Plan and on increasing the attention that OSD and NSC place on the UCP. The third option offers one way of enhancing the prospects that the goal of the second option would be achieved.

- Option 5A —correct the institutional deficiencies of the JCS system

Chapter 4 dealing with the Organization of the Joint Chiefs of Staff presents various options for correcting the institutional deficiencies of the JCS system. This option merely acknowledges that one of the benefits of such actions would be an enhancement of the prospects for an objective review of the UCP.

- Option 5B —seek increased attention to the UCP by OSD and NSC

If the objectivity of the JCS review of the UCP is less than desired, the only possible solution is to shift the burdens of objective UCP review to OSD and NSC. This option would call for a more active role by these two organizations in reviewing the UCP.

- Option 5C —require the submission by the President to the Congress of a one-time report on the UCP

This option would seek to give the UCP high-level attention in the Executive Branch by requiring the President to submit a one-time report to the Congress.

G. EVALUATION OF ALTERNATIVE SOLUTIONS

This section evaluates the specific options for reforming the unified and specified commands that were set forth in Section F. No effort will be made here to compare these options with each other or to identify the most promising options for legislative action. Rather, this section seeks to set forth in the most objective way possible the pros and cons of each alternative solution. The options will be identified by the same number and letter combination used in the preceding section.

1. OPTIONS FOR DEALING WITH THE PROBLEM OF THE CONFUSED CHAIN OF COMMAND

Before options to correct the problem of the confused chain of command can be usefully evaluated, a fundamental issue on the power of Congress to specify the operational chain of command needs to be examined. This issue is addressed as an introduction to the evaluation of options which follows.

a. Is the Congress empowered to specify the operational chain of command?

There are differences of opinion on the powers granted by the Constitution to the Congress and the President, as the Commander in Chief, to specify the operational military chain of command.

John Kester in his article, "Thoughtless JCS Change Is Worse Than None," argues that the President solely has the authority to adjust the chain of command:

...it is Presidents, not Congresses, who adjust the military chain of command. The Congress, of course, is empowered in Article I of the Constitution to raise and support armies (including those that fly), to provide and maintain a navy, and to pass laws regulating the armed forces. Much is granted there that Congress can do. But there also are some things that Congress may not do. The exact borderlines are hazy. It is clear enough, however, that Congress does not have any Constitutional authority to direct in detail through what chain of command the President exercises his power as Commander-in-Chief.

The President's power as a commander comes from an independent grant in Article II of the Constitution, and not from the Congress. At the very least this allows him to pick the command channel he prefers—as Presidents have done, sometimes using one and sometimes another. Congress can do much to set the size, shape, content, and capabilities of the armed forces. But most Constitutional scholars agree that it cannot intrude upon the essence of the command function. (*Armed Forces Journal International*, November 1984, page 115)

Despite Mr. Kester's assertions, there are persuasive arguments that the Constitution does empower the Congress to specify the chain of command. A legal opinion prepared by Raymond J. Celada, Senior Specialist in American Public Law of the Congressional Research Service, reaches this conclusion. This legal opinion, prepared in support of this study, is presented as Appendix B of this chapter.

The three basic arguments in this legal opinion can be summarized as follows:

- Through the creation of positions in the U.S. military establishment and the fixing of appropriate grades with respect to such positions which essentially establish the hierarchy of responsible parties, the authority of the Congress to fix the chain of command is significant.
- The congressional power to make rules for regulation of the armed forces adds additional support to a role for the Congress in specifying the chain of command.
- Congress by law (the National Security Act of 1947) has effectively established the chain of command and by law has changed it (1953 and 1958 amendments) or authorized the President, subject to congressional scrutiny, to change it.

The recommendations of this chapter are based upon the premise that the Congress is empowered to specify the chain of command. In the exercise of this power, the Congress must, however, ensure that the President has sufficient flexibility to adjust command relationships to provide for effective command in unforeseen situations.

- Option 1A —remove the Secretary of Defense from the chain of command

This option would return to the chain of command arrangements employed during World War II. At that time, the JCS reported directly to the Commander-in-Chief, and through the executive agent arrangement, a JCS member supervised each of the operational commands. Other than the Commander-in-Chief, there were no civilians in the operational chain of command.

In his book, *The 25-Year War —America's Military Role in Vietnam*, General Bruce Palmer, Jr., USA (Retired) appears to argue for this option:

In our system of government, the president, with his dual role as civilian chief executive and commander-in-chief of the armed forces, is the indispensable key to national security. For the president to control the nation's armed forces, he must command them; he cannot delegate this to his secretary of defense or to the military chiefs. He must have direct access to the Joint Chiefs of Staff, collectively and individually, and must regularly see them. If he shunts them off or allows his secretary of defense to isolate the chiefs, he does so at the nation's peril. The president is the commander-in-chief and there is no substitute for his forceful and visible leadership in discharging this supreme command function over the Department of Defense and the armed forces. (page 201)

If the President were to dedicate, as Roosevelt did during World War II, nearly his full attention to the conduct of military operations, such an arrangement might make sense and ensure effective civilian control of the military. In today's world, however, the Commander-in-Chief will be able to spend only a small portion of his time on military operational matters. Without the full-time as-

sistance of the Secretary of Defense, the President would be unable to effectively supervise and control military operations.

Moreover, there is evidence that there was an absence of effective civilian control during World War II. In his book, *The Soldier and the State*, Samuel P. Huntington discusses the extent of civilian control during World War II:

The military attitude toward civilian control changed completely during the war. The plans for postwar organization of the armed services, developed by the military in 1944 and 1945, reflected a new conception of their role in government. One would hardly recognize the cowed and submissive men of the 1930's in the proud and powerful commanders of the victorious American forces. Civilian control was a relic of the past which had little place in the future. "The Joint Chiefs of Staff at the present time," Admiral Leahy said quite frankly and truthfully in 1945, "are under no civilian control whatever." (pages 335 and 336)

Apparently, a persuasive case can be made for a continuing role for the Secretary of Defense in the operational chain of command. However, three problems remain: (1) the relative inexperience of the Secretary for this role; (2) the limited time that the Secretary can devote to this responsibility; and (3) the absence of adequate and independent staff support on operational matters for the Secretary.

- Option 1B —clearly assign to the Secretary of Defense the role of commander of the operational commanders

If one were convinced that the Secretary of Defense should remain in the operational chain of command, there is a need to clarify his role. The current uncertainty as to the Secretary's responsibilities has resulted in confusion within the chain of command and a weakening of civilian control. It can be convincingly argued that the Secretary of Defense has lost much of his authority in the chain of command because of a lack of an understanding of his precise role.

In addition, the absence of statutory emphasis on the "command" role of the Secretary of Defense may have led to insufficient attention to necessary qualifications for this role in selecting Secretaries of Defense. Undue emphasis may have been placed upon the Secretary's political and managerial roles and not enough on his civilian "military commander" role. In testimony before the Senate Committee on Armed Services, General Maxwell D. Taylor, USA (Retired) refers to the Secretary of Defense as the:

...defacto Deputy Commander in Chief just below the President in the chain of command. (SASC Hearing, December 16, 1982, page 31)

There may be merit to specifying through amendment of the statutes that the Secretary of Defense is the *de jure* Deputy Commander in Chief.

If the Secretary of Defense is to remain an integral part of the chain of command and become an effective participant, no negative consequences of clarifying his role have been identified. However,

Secretary Weinberger has stated that there is no need for clarification of the role of the Secretary of Defense:

The chain of command is clear....the Commanders of the Unified and Specified Commands are fully and directly responsible to the Secretary of Defense for carrying out their assigned responsibilities. This role is well understood and does not require statutory clarification. (Answers to Defense Authorization Report Questions).

- Option 1C —establish a position for a second Deputy Secretary of Defense who would be responsible for assisting the Secretary of Defense on military operational matters

Traditionally, the Secretary and Deputy Secretary of Defense have divided their responsibilities so that the Secretary focused on external (White House, Congress, alliances, etc.) matters and on operational matters while the Deputy Secretary focused on internal DoD management. A second Deputy Secretary focusing on operational matters would, therefore, assume responsibilities currently borne by the Secretary.

On the positive side, a second Deputy Secretary would ensure more attention by a senior civilian official to operational matters. He may be able to lessen the three problems associated with a continuing role for the Secretary of Defense in the chain of command: (1) relative inexperience; (2) limited time; and (3) inadequate staff support. A second Deputy Secretary could become a specialist on operational matters and devote his full attention to these issues. He may also be able to ensure that the Secretary receives a broader and more balanced set of inputs than currently available from the JCS system. He might also become the focal point for OSD review of non-nuclear contingency plans.

On the negative side, a second Deputy Secretary would add an additional layer through which the advice of the JCS would be filtered. This might be seen as a further erosion of military representation in DoD decision-making. In addition, the creation of a second Deputy Secretary of Defense and a staff to support him would add to a bureaucracy which may already be too large and cumbersome.

A fundamental issue regarding this option is whether the JCS system as currently formulated has served the Secretary of Defense as an effective military staff on operational matters or, if not, whether alternative arrangements for the JCS system could result in more effective staff support for the Secretary. While the evidence clearly suggests that the Secretary has been poorly served by the JCS system on operational matters, the preferable approach would be to correct deficiencies in the JCS system rather than to add a new senior civilian official in an attempt to overcome these shortcomings. A second Deputy Secretary of Defense would perpetuate the long history of creating civilian offices to do the work that joint military offices have failed to effectively perform.

Regarding the relative inexperience and limited time of the Secretary of Defense, the most useful approach may be to lessen other demands on the Secretary's attention to enable him to devote more time to his important chain of command duties. This could be done by (1) reducing his span of control; (2) providing more effective staff support for his mission integration responsibilities which could

permit more effective delegation of decision-making authority; and (3) lessening congressional demands on the Secretary's time.

◦ Option 1D —place the JCS Chairman in the chain of command

Proposals to place the JCS Chairman in the chain of command are based upon (1) concerns about the relative inexperience and limited time of the Secretary of Defense; (2) the utility of having a single military point of contact and a single command voice of higher authority within the Washington headquarters of DoD on operational matters; (3) the need for formal military representation in the Washington headquarters portion of the chain of command; and (4) concerns that command by a committee (the JCS) violates the principal of unity of command.

In a letter dated April 18, 1983 accompanying a legislative proposal, DoD justifies its recommendation that the JCS Chairman be placed in the chain of command in order "to make explicit his functions as a link between the Secretary of Defense and the unified and specified commands." Expanding on this point, the letter adds: "The practice has been for the Secretary of Defense to communicate with the combatant commands through the Chairman of the Joint Chiefs of Staff, and the proposed legislation would formalize this arrangement..." This is a rather modest rationale for making such a significant change in the chain of command. DoD's rationale encompasses only the second of the four reasons, presented in the preceding paragraph, for placing the JCS Chairman in the chain of command.

There is substantial evidence that command by committee has resulted in inappropriate emphasis on Service interests in the formulation of operational plans. The current limits on the authority of the JCS Chairman preclude him from developing recommendations on operational matters that set aside undue Service parochialism in the search for effective courses of action. Placing the JCS Chairman alone in the chain of command may give him the stature and independent authority necessary to rise above Service parochialism. It may be possible for the Chairman to make objective recommendations to the Secretary of Defense.

Additionally, as a member of the chain of command, the JCS Chairman would clearly become the focal point within the Washington headquarters of DoD for the operational commanders on operational matters. He could also become their advocate on policy and resource allocation issues although that possibility is separate from consideration of the operational chain of command.

Arguments against this option also have merit. Key among these is the view that putting the JCS Chairman in the chain of command would weaken the authority of the Secretary of Defense. This option could lead to circumvention of the Secretary and to insulation and isolation of the Secretary from the operational commanders. Should these negative predictions occur, the Secretary's ability to effectively manage DoD would be impaired and civilian control of the military would be weakened.

A second negative argument is that the Secretary of Defense would receive advice only from one uniformed official rather than the multi-Service input from the entire JCS. Given the complexity of the many facets of modern warfare, it would be detrimental to

unnecessarily limit the range of opinions that the Secretary would receive. General W. Y. Smith, USAF (Retired) also argues: "it would be relatively easier to overrule a single military voice than to deal with the concerns of the different Services." (*The U.S. Military Chain of Command, Present and Future*, page 47). Furthermore, a JCS Chairman would come to his position with all of the biases that would result from a lengthy career in one of the four Services. The validity of this argument is somewhat weakened by the fact that the Joint Staff with officers from all Services would continue to raise and address issues from a multi-Service perspective.

A third negative argument is that the Service Chiefs are the most knowledgeable officials on the full spectrum of the capabilities of the forces of their Services. This knowledge can be an important input in the formulation of recommendations on military operational matters. This input would be diminished if only the JCS Chairman were placed in the chain of command even if the JCS Chairman consulted the Service Chiefs before making his recommendations.

A fourth major negative argument is the risks to civilian control that arise from placing one uniformed officer in command of the vast majority of U.S. operational military forces. General Smith sees a greater risk:

The greatest drawback to a single military chief is not, however, that without countervailing forces a "man on horseback" would arise. Rather it is the danger of the politization of the office of the Chairman....The temptation would be for him to be seen too much the spokesman of an Administration in power rather than of the professional military. (*The U.S. Military Chain of Command, Present and Future*, page 47).

◦ Option 1E —place the JCS in the chain of command

This option would formally recognize the actual implementation of the ambiguous situation created by DoD Directive 5100.1. The JCS, as a corporate body, do now, in the view of many observers, act as a full-fledged member of the operational chain of command. This option would merely legitimize the current situation.

In general, the pros and cons of this option are the exact opposite of those for Option 1D. Arguments in favor of this option include (1) the need to have a multi-Service input on operational matters; (2) the value of involving the most knowledgeable officials on Service capabilities in decisions on operational matters; and (3) the maintenance of a system of checks on the authority of any single military official which would help ensure civilian control.

The negative arguments include (1) violation of the principle of unity of command; (2) the failure of the JCS committee to provide objective advice on military operations; and (3) inappropriate emphasis on Service interests in the formulation of operational plans.

There is one negative argument against this option which also applies against Option 1D: putting the JCS in the chain of command would weaken the authority of the Secretary of Defense. This is clearly evident at present. The Secretary of Defense is now often insulated and isolated from the operational commanders.

Furthermore, the JCS system has failed to sufficiently interact with the Secretary and the Office of the Secretary of Defense on operational matters. This has ensued from the closed staff nature of the JCS system which results in part from the dual responsibilities of the Service members of the JCS.

- Option 1F —remove the JCS, including the Chairman, from the chain of command

This option would return to the statutory scheme for the chain of command. The operational commanders would report directly to the Secretary of Defense.

The arguments in support of this option include (1) strengthening of the authority of the Secretary of Defense which has been diminished by the current role of the JCS in the chain of command; (2) strengthening of civilian control of the military; and (3) improving the link between the Secretary of Defense and the operational commanders.

The negative arguments include: (1) the inexperience of the Secretary of Defense in the command role; (2) limits of the time that the Secretary can devote to this responsibility; and (3) the removal of all formal military representation from the chain of command at the DoD policymaking level.

- Option 1G —make the JCS Chairman the principal military advisor to the Secretary of Defense on operational matters and the sole command voice of higher authority within the JCS system

This option would be based upon the following arguments:

- the Secretary of Defense should remain in the chain of command and his role therein should be clarified;
- the JCS, including the Chairman, should be removed from the chain of command because a formal role for the corporate body or the Chairman would weaken the authority of the Secretary of Defense;
- it would be useful to have a single military point of contact and a single command voice of higher authority within the Washington headquarters of DoD on operational matters;
- there currently is inappropriate emphasis on Service interests in the formulation of operational plans;
- designation of the JCS Chairman as the Secretary of Defense's principal military advisor on operational matters will increase his stature and independent authority and enable him to rise above Service parochialism in rendering advice on operational matters;
- the increased authority of the JCS Chairman will come at the expense of the Service Chiefs and not at the expense of the Secretary of Defense; and
- given the predominance of the JCS system on operational matters, appropriate military representation on operational matters at the policymaking level of DoD is assured even without formal representation in that portion of the chain of command.

The Steadman Report made a recommendation similar to this option in support of which it argued:

...a committee structure is not effective for the exercise of military command or management authority. Such authority could be more effectively exercised by the Chairman, who in being so empowered, should also be directed to act in consultation with the other JCS members when time permits. (page 35)

There are several arguments in opposition to this option. First, with his increased authority, the JCS Chairman may be able to more effectively compete with the Secretary of Defense for power and influence. The concentration of power in the hands of one senior military official, according to this argument, would curtail the system of checks inherent in the JCS.

This argument seems to have little merit. It appears to say in analogy: don't create a Deputy Secretary of Defense because he would become a competing force to the Secretary of Defense. Obviously, the personal relationship established between the Secretary and the JCS Chairman would be the key ingredient in determining the utility of this organizational approach.

Other negative arguments are that (1) the Secretary of Defense may not consistently receive a multi-Service input from the entire JCS; (2) the Service Chiefs, who are the most knowledgeable officials on the full spectrum of the capabilities of the forces of their Services, would have a diminished input on operational matters; and (3) the position of JCS Chairman could become politicized.

2. OPTIONS FOR DEALING WITH THE PROBLEM OF THE WEAK AUTHORITY OF UNIFIED COMMANDERS OVER SERVICE COMPONENT COMMANDS

- Option 2A —revise UNAAF to lessen the restrictions on the authority of the unified commanders.

While there are disagreements as to whether JCS Publication 2, Unified Action Armed Forces (UNAAF), overly restricts the authority of the unified commanders, the more convincing arguments are that it does. As UNAAF delineates the purpose and basis on which unified commands are formed, it is the starting point for improved command relationships within the unified commands.

The basic relationships in UNAAF have not been altered since the Key West Agreement of 1948. Given the experience with unified command since that time, a careful examination of UNAAF seems appropriate.

- Option 2B —authorize the unified commanders to select and replace their Service component commanders

The advantage of this option is that it is more likely to ensure subordinate commanders who are fully supportive and capable of successfully interacting with the unified commander. Given the importance of these relationships, the unified commander should be given wide discretion in selecting his immediate subordinate commanders.

On the negative side, the Services may lose the influence associated with independent appointments of Service component commanders. Moreover, the unified commander may select subordinates who share his biases and thus may be offered less than the full range of opinions on issues affecting the unified command.

- Option 2C —require the Service component commands to communicate with their Service headquarters on critical resource issues through their unified commander

Currently, Service component commands serve as middle men between two masters: the unified commander and the Service Chief. On critical issues, it would seem appropriate for the discussions to occur between the two principal officials. Routine matters could continue to be addressed directly between the Service component commands and the Service headquarters.

On the negative side, such direct communications with Service Chiefs would add to the workload of the unified commander. Obviously, he would want to limit his involvement to only those issues which are critical to his command.

Another negative aspect is that the Service component commands will lose influence and control on key issues. This, however, is the desired result of this option.

- Option 2D —eliminate the Service component commands and make them part of the joint staff serving the unified commander

It is difficult to foresee how this drastic change to the unified commands would be implemented. There will continue to be a requirement to conduct Service-unique administrative work associated with organizing, training, and equipping forces. Some organizational entity will be required for these purposes.

While it can be argued that the Service component commands retain too much power and influence, abolishing these commands does not appear necessary, at least at this time, to correct these problems.

- Option 2E —colocate the unified commander and his Service component commands

Costs would appear to preclude further consideration of this option. However, as base realignments and closures are considered, this possibility should be kept in mind. For example, there has been speculation that Camp H. M. Smith, the headquarters of USPACOM, might be closed. Should this be the case, USPACOM should be colocated with one of its Service component commands.

3. OPTIONS FOR DEALING WITH THE PROBLEM OF THE IMBALANCE BETWEEN THE RESPONSIBILITIES AND ACCOUNTABILITY OF THE UNIFIED COMMANDERS AND THEIR INFLUENCE OVER RESOURCE DECISIONS

- Option 3A —increase the stature of the unified commanders by making them more senior in order of rank than the Service Chiefs

There are historical examples of the dispute over whether field commanders or Service Chiefs should be more senior in rank. In *Organizing For Defense*, Paul Hammond discusses the dispute during World War I between General John J. Pershing, USA, then Commanding General, American Expeditionary Forces (AEF), and Major General Peyton C. March, USA, the Army's Chief of Staff.

Referring to former Secretary of War Elihu Root's reforms of Army organization, Hammond states:

Root's principles certainly offered no guidance for determining how to cut the strategic pie between the Chief of Staff and the Commanding General, AEF. As might have been expected, the issue ultimately resolved itself into one of rank and command. The dispute between Pershing and the Chief of Staff, Major General Peyton C. March, over which was of superior rank, was settled in March's favor by a general order in August, 1918, five months after he had become Chief of Staff. In that office he was to take "rank and precedence" over all other officers of the Army. (page 41)

One could quickly conclude that the relative rank of the Service Chiefs and the unified commanders would be guided by the same principles that settled the Army dispute during World War I. On the other hand, however, it could be argued that the relationships of the commanders of multi-Service commands with the Service Chiefs are much different than the relationship between Generals Pershing and March.

In creating a more appropriate analogy for today's unified organization, General March's equivalent is the JCS Chairman. The Service Chiefs would be equivalent to Army Deputy Chiefs of Staff during World War I. While the Army Deputy Chiefs of Staff during World War I contributed to the strategic direction of the field commands, just as the corporate JCS do today, there was no consideration of making them more senior than General Pershing.

Setting aside their responsibilities as members of the JCS, the Service Chiefs are primarily logisticians. As individual Chiefs of Staff, their primary duties are to organize, train, and equip the forces of their Services. It is only as JCS members that the Service Chiefs assume broader duties for the strategic direction of operational forces.

The focus in this problem area, however, is the logistics role of the Service Chiefs. At issue is whether it is logical to continue to assign the Service Chiefs—who have only logistics-related responsibilities—a more senior position than combatant commanders—who are responsible for executing the major military missions of DoD. The current arrangement has contributed to Service Chief dominance of the resource allocation process at the expense of the unified commanders and to the *de facto* influence that the individual Service Chiefs retain over operational matters within the unified commands.

If the unified commanders were made more senior than the Service Chiefs, their influence over resource decisions could increase. The Service Chiefs would continue to play an important role in rationalizing the demands from the various unified commanders, but the focus would likely shift from Service priorities to the warfighting needs of the combatant commands. Such a shift seems desirable.

On the negative side, increasing the stature of the unified commanders could lead to six independent "warlords". It would be difficult to rationalize the distinct demands of powerful combatant commanders. Johnson, Sedgewick, and Ortloff comment on this

possibility in their study, *Unity of Command —Does It Exist in the Field?*

If the distribution of influence is considered to be a zero-sum game, giving CINCs more influence in the PPBS process would infringe on the Service Chiefs' prerogatives to some extent. Bringing the CINCs into the resource arena would not add competition for the same resources, however. It would add, rather, a new point of view: that of the consumer. We believe the balance point between the power of the CINCs and Service Chiefs needs to be realigned, but how far? A system of independent "warlords" commanding forces heavily specialized on regional lines would not be economical or prudent. While it can be argued that the Services are in the best position to make economical decisions about weapon systems, it can also be argued that inappropriate systems ultimately have the highest costs. (page IV-5)

- Option 3B —strengthen the capabilities of the Joint Staff to do resource analysis

Given the weaknesses of the JCS system in making meaningful programmatic inputs, this clearly appears to be a desirable option. As General Bernard W. Rogers, USA, USCINCEUR, has stated:

...there remains in Washington a preeminence of Service goals in the program and budget process. The newly created 40-man office in OJCS, the Strategic Planning and Resources Analysis Agency (SPRAA) may help to alleviate this situation. We are working with this office in an effort to insure that it can prepare adequately the CJCS [JCS Chairman] to serve as spokesman for CINC warfighting needs. (Answers to Authorization Report Questions).

The usefulness of this option should not be overemphasized. Despite increased emphasis on resource analysis, the basic institutional deficiencies of the JCS system, if unaltered, could severely restrict the output of SPRAA.

The only negative argument identified with this option is that it could divert attention of the JCS system away from strategy formulation and operational matters. Evaluation of this criticism would require an explicit determination of the work priorities of the JCS system and whether strengthening resource analysis capabilities would contribute to or impede achievement of these work priorities.

- Option 3C —enhance the independent authority of the JCS Chairman

While enhancing the independent authority of the JCS Chairman could improve his ability to represent the unified commanders, there are more significant issues associated with such a change. Accordingly, this option will be addressed in Chapter 4 dealing with the Organization of the Joint Chiefs of Staff.

- Option 3D —more clearly link the JCS Chairman with the operational commanders

To a certain extent, at least, this option was implemented in the Department of Defense Authorization Act, 1985 which provided that the Chairman would act "as the spokesman for the commanders of the combatant commands on operational requirement."

This approach would make sense if the operational requirements of the operational commanders never conflicted. In such an unlikely situation, the JCS Chairman could argue for the requirements of each command in evaluating the programs formulated by the Military Departments.

This is not likely to be the case. The operational commands are likely to have different needs, all of which cannot be accommodated within fiscal constraints. The JCS Chairman would need to determine which operational requirements he will support in decision councils. As such, he could have the final say on operational requirements, resources, and priorities. The JCS Chairman would become the sole referee of the competing resource demands of the operational commanders. The inputs of the operational commanders would be filtered by the JCS Chairman before presentation to decision-making bodies, such as the Defense Resources Board. Alternative arrangements might provide better representation of the operational commanders in DoD decision-making bodies.

There is also the question of how much time the JCS Chairman should devote to resource allocation issues. As subsequent portions of this study conclude, programming and budgeting already dominate DoD organizational activity. As a result, operational matters—strategy, contingency plans, joint doctrine, joint training, and coalition issues—receive inadequate attention. This is an area where the JCS Chairman can make a major contribution and should focus his attention. Overinvolvement of the JCS Chairman in resource issues would further compound the problem of the predominance of programming and budget.

General Maxwell D. Taylor, USA (Retired) supports this view:

What worries me when I read the Steadman report is the possibility that the [JCS] Chairman will get deeply involved in the budget process.

...The advantage of the chairman is that he is not responsible for the detailed activities of a service. He can sit back and reflect on the world and its contents.

...We will ruin the utility of this fellow if we ask too much of him. When I see him getting into the budgetary numbers game, I worry about it. (*The Role of the Joint Chiefs of Staff in National Policy*, American Enterprise Institute, 1978, page 11)

John Kester shares this point of view:

...It might be urged that he [JCS Chairman] and the JCS should spend much of their time on purely military plans—movements and mobilizations—since no one else does, and there are plenty of other players in the budget fights. ("The Future of the Joint Chiefs of Staff," *AEI Foreign Policy and Defense Review*, Volume Two, Number One, February 1980, page 15)

This is not to say that the JCS Chairman should not play an advisory role in resource allocations. However, he could limit this

role to advising on critical resource issues and joint programs. John Kester supports this view:

...If the [JCS] chairman cannot advise on program and allocation issues, the uniformed military will abdicate influence on issues of trade-offs that transcend service lines. Surely some of the chairman's time can be allocated profitably to issues of such importance. ("The Future of the Joint Chiefs of Staff", page 15)

If the position of Deputy JCS Chairman were created, it might be desirable to assign participation in the resource allocation process to this officer. Under such an arrangement, the JCS Chairman and Deputy Chairman would divide their work similarly to the way the Secretary and Deputy Secretary of Defense now do.

- Option 3E —create OJCS offices to represent the unified commanders on a day-to-day basis on policy and resource allocation issues

If the OJCS were organized on a mission basis, the mission-oriented offices could perform this task. If OSD also had mission-oriented offices, a decision on which organization should have the primary responsibility for representing the unified commanders on policy and resource allocation issues would be more difficult.

Section 141(d) of title 10, United States Code, specifies the following among the duties of the Joint Chiefs of Staff:

- (1) prepare strategic plans and provide for the strategic direction of the armed forces;
- (2) prepare joint logistics plans and assign logistics responsibilities to the armed forces in accordance with those plans;
- (3) review the major material and personnel requirements of the armed forces in accordance with strategic and logistics plans;

To fulfill these duties, it can be argued that the OJCS should be the primary point of contact in the policymaking level of DoD for the unified commanders on policy and resource allocation issues. Such an argument would require a broad interpretation of JCS duties.

Such a broad interpretation would imply that the OJCS should also have the primary responsibility for representing the Military Departments on policy and resource allocation issues. This is not the case; the Military Departments make their inputs directly to the Secretary of Defense. Such an arrangement for the unified commanders would appear to be equally appropriate.

The unified commanders are immediate subordinates of the Secretary of Defense. It appears that they should be directly represented in OSD which has responsibility for policy and resource allocation decisions.

If the OJCS remains organized on a functional basis, new offices would have to be created to represent the unified commanders on the full range of policy and resource allocation issues. Adding to the large OJCS bureaucracy, however, has little appeal.

- Option 3F —have OSD mission-oriented offices represent the unified commanders on policy and resource allocation issues

While the unified commanders report to the Secretary of Defense through the JCS, the primary point of contact for the commands has traditionally been OJCS. This approach appears to be most appropriate on operational matters. It is uncertain, however, as to whether this is the most desirable arrangement on policy and resource allocation issues. In these instances, the inputs from the unified commands could be directed to the Secretary's principal advisors in OSD.

Under the current OSD organization, this would be difficult. The commands would have to contact a substantial number of functional offices to make their views known. However, if OSD mission-oriented offices were created, the commands would have a single focal point for their inputs. Given the proposed functional subunits or resource cells within each mission-oriented office, the majority of the inputs of the unified commands could be addressed by the mission-oriented offices. However, should the unified commands have inputs in other functional areas, the mission-oriented offices could represent the unified commands with other OSD offices. Unlike operational issues, most policy and resource allocation issues are not time urgent. Hence, the use of a single OSD focal point to represent the full-range of unified command requirements and positions should not result in costly time delays.

- Option 3G —have the operational commanders submit operational Program Objective Memoranda

The CSIS report, *Toward a More Effective Defense*, evaluates this option as follows:

We recognize that establishing a separate readiness program and budget would cause, at least initially, some dislocations in the department as the new procedures were established. It is likely that it would also require some shifts in staff from the military departments to the Joint Staff and from the component commands to the unified commands. Nevertheless, we believe that these short-term costs would be substantially outweighed by two long-term benefits.

First, a readiness program and budget would enfranchise in the planning and allocation processes the major institutional constituency for readiness and sustainability —the unified and specified commanders. This fundamental change would add needed balance to the flow of military recommendations to the civilian leadership. Instead of having all such recommendations manifested in the programs and budgets of the military departments, there would be recommendations on two sets of issues: one grounded in concerns about readiness and sustainability, the other in concerns about force structure modernization and expansion. In each case, the recommendations would reflect the responsibilities and perspectives of the officers involved. In this way, civilian leaders would be able to make better informed judgments regarding the proper balance in the defense budget between short-term considerations of readiness and sustainability and long-term considerations of force structure modernization and expansion.

Second, by assigning the CINCs a greater role in determining the readiness and sustainability of their forces, the operations program and budget would help smooth the transition between the current peacetime dominance of the individual services and the expected wartime dominance of the operational commanders. Specifically, the readiness program and budget would allow resources to flow down the same channels as operational authority and responsibility without depriving the services of their primary role as the maintaining arm of the forces. (page 20)

Despite these arguments, it appears that the enhancement role for the operational commanders in the Planning, Programming, and Budgeting System, as provided for in Secretary Taft's memorandum of November 14, 1984, offers great potential for increasing the visibility of the requirements of the operational commanders without the disruptions of this option.

Both this option and the newly established procedures have the same objective: to provide a better appreciation of the readiness and sustainability needs of the operational commanders. It appears desirable to evaluate the adequacy of the newly established procedures before implementing more drastic proposals.

◦ Option 3H —approve the use of the CINC Readiness Fund

The fundamental issue regarding the CINC Readiness Fund is whether Washington organizations (Congress, OSD, Military Departments) are prepared to relax their absolute control over resources and permit operational commanders some flexibility to meet unforeseen requirements. At present, resource allocations for very specific purposes are approved in advance. In addition, changing approved allocations involves a cumbersome set of procedures, both within DoD and between DoD and the Congress.

It is not possible to exactly forecast the funding requirements of the operational commands well in advance of the actual operating period as the current budget process requires. There appears to be a strong case to provide a CINC Readiness Fund to meet unforeseen requirements.

On the other hand, given the substantial demands for relatively scarce defense resources, there is a requirement to ensure that expenditures are made only for priority needs. Should the concept of the CINC Readiness Fund be approved, the Secretary of Defense will need to ensure that he develops procedures that provide sufficient oversight of expenditures while still being responsive to the urgent needs of the operational commanders.

4. OPTIONS FOR DEALING WITH THE PROBLEM OF THE ABSENCE OF UNIFICATION BELOW THE LEVEL OF THE UNIFIED COMMANDER AND HIS STAFF

◦ Option 4A —clarify appropriate command relationships within the unified commands, especially concerning the principle of unity of command

Clarification of appropriate command relationships would obviously be beneficial. If unity of command is to be the basic principle

for command relationships, this should be clearly communicated and implemented.

No valid disadvantages of this option have been identified.

- Option 4B —revise UNAAF to remove obstacles to the creation of additional sub-unified commands and other necessary subordinate joint organizations

The relative emphasis to be placed on joint organizations versus single-Service organizations at subordinate levels of the unified commands involves the following considerations:

- wartime effectiveness versus peacetime efficiency;
- joint requirements versus Service prerogatives; and
- likelihood of theater-wide campaigns versus lesser crises.

UNAAF's emphasis on a single-Service operational chain of command within the unified commands appears inappropriate in the current environment. As the Commander in Chief of the Readiness Command has stated:

UNAAF's organizational approach, which preserves division by Service and Service components, plus the stated requirement to preserve uni-Service integrity in the organizational structure, needs to be reviewed in terms of today's required levels of integration and employment of modern weapons systems. (Answers to DoD Authorization Report Questions.)

The Commander in Chief of the Pacific Command has offered a similar recommendation:

We have now had considerable experience with the unified command system and from my parochial perspective I am not convinced that a federated system is as necessary as it once appeared....I would suggest that we should look closely at this arrangement to ensure that it reflects today's environment in terms of the required integration needed to conduct modern warfare and in terms of current political imperatives. (Answers to DoD Authorization Report Questions.)

Key among the advantages of this option is that it will enable the unified command system to more effectively meet today's crisis management requirements. In those crises in which the President must retain effective control, there may be a requirement to circumvent portions of the military chain of command. The creation of additional joint organizations at subordinate levels of the unified commands may permit more effective military action under the direction of the National Command Authority.

- Option 4C —remove the Service component commanders from the operational chain of command

If the single-Service operational chains of command are an impediment to unification, the Service component commanders should be removed from the chain of command. Such an organizational change would have Service organizations at both the operational and policymaking levels of DoD responsible solely for organizing, training, and equipping forces. Operational matters would be handled solely by joint organizations at both the operational and policymaking levels.

There may, however, be instances in which the unified commander may want to place one or more of his Service component commanders in the chain of command. The CSIS recommendation offers greater flexibility in this regard; it would authorize the unified commander to specify his chain of command depending on the situation. This approach may suffer from its *ad hoc* nature. While the chain of command could be structured to best meet the situation at hand, there may be drawbacks to having different reporting relationships during crises.

- Option 4D —place greater emphasis on joint training within the unified commands

This option, by itself, is likely to accomplish little. Increased joint training is likely to result only through changes that augment the influence of the unified commanders on resource allocations.

5. OPTIONS FOR DEALING WITH THE PROBLEM OF THE ABSENCE OF AN OBJECTIVE REVIEW OF THE UNIFIED COMMAND PLAN

- Option 5A —correct the institutional deficiencies of the JCS system

This option is the principal focus of Chapter 4 dealing with the Organization of the Joint Chiefs of Staff and, therefore, will not be evaluated here.

- Option 5B —seek increased attention to the UCP by OSD and NSC

This is essentially a management issue. If the senior leadership of OSD and NSC do not see the need for or validity of civilian oversight of the Unified Command Plan, there is little that can be done.

- Option 5C —require the submission by the President to the Congress of a one-time report on the UCP

A one-time Presidential report on the UCP may or may not prove useful. If the civilian officials responsible for preparing or, more likely, reviewing this report devoted sufficient time and critical attention to the relevant issues, the UCP might receive an objective review. If, however, they merely saw this as another congressional reporting requirement to be met with as little energy as possible, nothing would be gained.

This option also poses the potential for undesirable congressional meddling on UCP issues.

H. CONCLUSIONS AND RECOMMENDATIONS

This section presents the conclusions and recommendations of this chapter concerning the unified and specified commands. The conclusions result from the analyses presented in Section E (Problem Areas and Causes). The recommendations are based upon Section G (Evaluation of Alternative Solutions).

Conclusions

1. The Congress is empowered by the Constitution to specify the chain of command.
2. The chain of command from the Commander in Chief to the operational commanders is confused, primarily due to uncertainty about the roles of the Secretary of Defense and the Joint Chiefs of Staff. The chain of command is further confused by the *de facto* influence that individual Service Chiefs retain over the operational commands.
3. The concept of unified command, as formulated in the immediate post-World War II period and as articulated by President Eisenhower in 1958, has not been implemented.
4. Provisions of JCS Publication 2, Unified Action Armed Forces (UNAAF), are inconsistent with the concept of unified command.

Recommendations

- 2A. Clearly assign to the Secretary of Defense the role of commander of the operational commanders.
- 2B. Specify in statute the Secretary of Defense's authority "to command".
- 2C. Specify that the Secretary of Defense is the principal contact in the DoD policymaking level for the operational commanders.
- 2D. Remove the JCS, including the Chairman, from the chain of command.
- 2E. Make the JCS Chairman the principal military advisor to the Secretary of Defense on operational matters and the sole command voice of higher authority within the JCS system while ensuring absolute clarity that the JCS Chairman is not part of the chain of command.

- 4A. Revise UNAAF to make it consistent with the concept of unified command.

Conclusions

5. The authority of the unified commanders over their Service component commands is weak.

6. There is an imbalance between the responsibilities and accountability of the unified commanders and their influence over resource decisions.

7. The Department of Defense has taken an ambivalent approach to the concept of unity of command; the congressional recommendation "that unity of command is imposed at all military and naval outposts" has not been implemented.

Recommendations

- 5A. Revise UNAAF to lessen the restrictions on the authority of the unified commanders.

- 5B. Authorize the unified commanders to select and replace their Service component commanders.

- 5C. Require the Service component commands to communicate with their Service headquarters on critical resource issues through their unified commander.

- 6A. Increase the stature of the unified commanders by making them more senior in order of rank than the Service Chiefs.

- 6B. Strengthen the capabilities of the Joint Staff to do resource analysis.

- 6C. Have OSD mission-oriented offices represent the unified commanders on policy and resource allocation issues.

- 6D. Approve the use of the CINC Readiness Fund.

Conclusions

8. There is an absence of unification below the level of the unified commander and his staff; as a result, command by mutual cooperation—the basic U.S. military doctrine prior to World War II—remains the order of the day at subordinate levels of the unified commands.

9. There is no objective review of the Unified Command Plan (UCP).

Recommendations

- 8A. Clarify appropriate command relationships within the unified commands, especially concerning the principle of unity of command.
- 8B. Revise UNAAF to remove obstacles to the creation of additional sub-unified commands and other necessary subordinate joint organizations.
- 8C. Remove the Service component commanders from the operational chain of command.

- 9A. Seek increased attention to the UCP by OSD and NSC.
- 9B. Require the submission by the President to the Congress of a one-time report on the UCP.

APPENDIX A

HISTORICAL EXAMPLES OF DOD ORGANIZATIONAL PROBLEMS

This appendix presents six brief historical examples of organizational problems that have plagued U.S. military operations. The appendix includes two examples—the Spanish-American War and Pearl Harbor—from the period before the application of the concept of unified command. The other four examples are from the post-unified command period of U.S. military history: the Battle of Leyte Gulf, the capture of the *Pueblo*, the Iran hostage rescue mission, and the Grenada operation.

Most of these historical examples have been described and analyzed in much more detail elsewhere; nonetheless, the short papers in this appendix succinctly explain the organizational shortcomings that hampered U.S. forces. A final consideration in the preparation of these papers was the necessity to use only unclassified information. This constraint was, of course, most important in preparing the examples on the Iran hostage rescue mission and the Grenada operation.

A. THE SPANISH-AMERICAN WAR

The Spanish-American War of 1898 provides a classic example of the consequences of lack of unity of command and inadequate inter-Service cooperation on American conduct of a military operation. At the time of the outbreak of hostilities, the U.S. military establishment consisted of the Department of War and the Department of the Navy—both of which operated with little Presidential guidance. The Spanish-American War witnessed not only the failure of the Army and the Navy to cooperate on military planning, but also the lack of coordination within the Military Departments themselves. The following examples will serve to illustrate the extent of the problems faced by the operational commanders.

Command of American naval forces in the Caribbean was divided between Admiral Sampson and Commodore Schley. A sharp personality conflict between Sampson and Schley exacerbated the problems that the lack of unity of command permitted. Since the commanders could not agree on where the Spanish fleet would strike, Sampson blockaded Havana while Schley remained at Key West. Even after the Spanish fleet headed for Cuba, the two commanders further disagreed on where in the Caribbean the Spanish would go for reinforcements—resulting in Sampson heading for Santiago, Cuba while Schley moved his fleet to guard another Cuban port, Cienfuegos. The net result of this internal naval disagreement was that each part of the American fleet was out of

reach of the other and, therefore, in danger of being destroyed piecemeal by the Spanish fleet.

The failure of the Army and the Navy to cooperate was vividly illustrated by the one substantial joint campaign of the war, that of Santiago. Admiral Sampson had taken control of the fleet once Commodore Schley had reached Santiago. Sampson's Army counterpart was General Shafter. Sampson and Shafter repeatedly disagreed on the best tactic to defeat the Spanish. Shafter insisted that the Navy force the entrance to the harbor of Santiago and aid the Army in the capture of the city. Sampson refused to enter the mine-infested harbor, insisting instead that the Army attack the formidable forts guarding the entrance to the harbor so that his forces could safely remove the mines before entering the harbor.

In the end, Shafter's troops captured Santiago with only minimal naval assistance in the form of a blockade by Sampson's forces from outside the harbor. Army-Navy relations were so strained by the end of the Santiago campaign that General Shafter refused to allow Admiral Sampson's representative to sign the surrender document.

The final conflict between the Army and the Navy occurred after the Spanish capitulation. The Army, believing that it had contributed the most to the victory, took charge of the surrender and claimed all captured weapons—including the remaining Spanish naval forces. The Navy opposed the latter move and the conflict was settled in Washington, allowing the Navy to take charge of the Spanish vessels.

Despite the U.S. victory on the battlefield, the Spanish-American War was a failure for the U.S. military establishment. Public criticism resulting from the realization that there had been no plan, either of mobilization or operations, for the conduct of the war led to the creation of the General Staff of the Army, the General Board of the Navy, and the Joint Board of the Army and Navy.

B. PEARL HARBOR

The Japanese attack at Pearl Harbor on December 7, 1941, was an overwhelming success, taking both policymakers in Washington as well as commanders in Hawaii totally by surprise. Although many factors contributed to this disaster, the structure of the chain of command was a major problem.

There were two chains of command originating from Pearl Harbor—one for the Army, the other for the Navy. The Army chain of command ran from Lt. Gen. Short, Commanding General, Hawaiian Department, to General Marshall, Chief of Staff, to Secretary of War Stimson and finally to President Roosevelt. The Navy chain of command went from Admiral Kimmel, Commander in Chief, U.S. Fleet and Pacific Fleet, to Admiral Stark, Chief of Naval Operations, to Navy Secretary Knox and ultimately to the President. Therefore, below the Presidential level, no one exercised authority over both commanders at Pearl Harbor.

The problems inherent in this command structure become evident when one analyzes the reasons for the total surprise achieved by the Japanese forces. The absence of adequate intelligence in the weeks leading up to the attack can be at least partially blamed on

the lack of unity of command below the level of the President. No one below that level had access to all of the incoming intelligence. It was only at the Presidential level that a comprehensive analysis of all of the available intelligence information could have been made. But no one at that level had the time or the responsibility to do such an analysis. As Peter P. Wallace concludes in "Military Command Authority":

There was nowhere, short of the President, that intelligence could be joined with the command authority to take action on a joint basis, based on that intelligence. (page 44)

The fragmented command situation in Hawaii also contributed to the lack of warning. With no unified commander, General Short and Admiral Kimmel commanded by cooperation—but neither questioned the plans or operations of the other. General Short assumed that the Navy was conducting long-range air reconnaissance, while Admiral Kimmel assumed that the Army's radar was fully operational. Both assumptions were incorrect. A Senate investigating committee made the following conclusion regarding the lack of adequate coordination between the Army and Navy commands:

There was a complete failure in Hawaii of effective Army-Navy liaison during the critical period November 27-December 7. There was but little coordination and no integration of Army and Navy facilities and efforts for defense. Neither of the responsible commanders knew what the other was doing with respect to essential military activities. (*Report of the Joint Committee on the Investigation of the Pearl Harbor Attack*, 1946, page 153)

The agreement of General Short and Admiral Kimmel to defend Hawaii through cooperation clearly failed to compensate for the absence of a unified command below the Presidential level.

C. THE BATTLE OF LEYTE GULF

The Battle of Leyte Gulf in the Philippines was the greatest naval battle in history and the last major fleet action of World War II. Although this October 1944 battle resulted in an overwhelming victory for the United States, it was, by a very narrow margin, almost the largest American naval defeat since Pearl Harbor. The major problem which the U.S. Navy encountered at Leyte Gulf was a lack of unity of command which very nearly proved decisive.

The catalyst for the Battle of Leyte Gulf was General MacArthur's return to the Philippines on October 20, 1944, during the American landing on the island of Leyte. For the Japanese, the fight for the Philippines was vital. Three Japanese naval forces, which included almost every remaining Japanese ship, were committed to the battle.

The American naval forces were divided into two fleets—the Third Fleet under the command of Admiral Halsey, and the Seventh Fleet commanded by Admiral Kinkaid. While Admiral Halsey was, in turn, commanded by Admiral Nimitz in Hawaii, the Seventh Fleet was "MacArthur's Navy" and Admiral Kinkaid was di-

rectly under MacArthur's command. Thus the two fleets that were cooperating in support of the American landing at Leyte had no common superior below the level of the JCS in Washington. This lack of a unified commander in the field led to a series of misunderstandings which resulted in near-disaster.

One of the central misunderstandings of the battle on the American side centered around the existence and mission of Task Force 34. A series of confusing and intercepted transmissions, beginning with Admiral Halsey's plans to form a new unit—Task Force 34—to take on heavy surface forces, led Admiral Kinkaid to assume that Halsey's Task Force 34 would be used to guard San Bernardino Strait, thus leaving his Seventh Fleet free to concentrate on the other major entrance to Leyte Gulf, Surigao Strait. However, Halsey's orders stated that while he was supposed to cover the Leyte beachhead, in the event that he found a major portion of the Japanese fleet, his primary mission would then be to destroy that force. Thus, when Halsey proceeded north out of the Leyte Gulf region to attack the Japanese carrier forces—which actually were a decoy to draw his fleet away from the battle—the vessels that would have formed Task Force 34 went with him. He compounded his error by not informing Kinkaid that Task Force 34 had never been formed. This lack of adequate, direct communication and coordination between Admirals Halsey and Kinkaid left San Bernardino Strait and Kinkaid's northern flank unguarded and open to the Japanese.

Historian Adrian Stewart, in *The Battle of Leyte Gulf*, raises a question of critical importance regarding this misunderstanding:

Would so immense an oversight have been possible, had there been present a supreme commander who could have viewed the battle as a whole? The lack of such a commander would seem to have been the crucial American error. (page 84)

As a result of the confusion, the remainder of the Japanese fleet sailed unopposed through San Bernardino Strait into Leyte Gulf and were met only by an escort carrier unit which was totally unprepared for such a battle.

By the time Kinkaid discovered the error, the Japanese were coming through the strait and Halsey was 350 miles away. Worse still, Halsey ignored Kinkaid's desperate messages asking him to return: "Situation very serious. Escort-carriers again threatened by enemy surface forces. Your assistance badly needed. Escort-carriers retiring to Leyte Gulf". Only when Nimitz intervened, sending Halsey the famous message—"Where is Task Force 34? Whole world wants to know."—did Halsey turn back. But by the time he arrived, the battle had been won.

Fortunately for the United States, heroic fighting on the part of the escort carrier unit and confusion and bad judgment on the part of the Japanese were enough to overcome the problems created by the lack of unity of command.

D. THE CAPTURE OF THE USS PUEBLO

The USS *Pueblo*, an intelligence-gathering ship, was seized by North Korean naval vessels in the Sea of Japan, approximately 15

miles off the North Korean coast, on January 23, 1968. This incident represented the first capture of a sovereign ship on the high seas in peacetime in over 160 years. Because U.S. military forces failed to assist the *Pueblo* from the beginning of the crisis until its arrival in Wonsan harbor (about 4 hours), sensitive information and equipment were lost and the vessel's crew was imprisoned for 11 months by the North Koreans. This lack of action, in turn, can be traced to problems with the U.S. military command structure in the region—specifically, the lack of unification at levels subordinate to the unified commander.

At the time the *Pueblo* was seized, its intelligence-gathering mission off the coast of North Korea was characterized as a “minimal-risk” operation—that is, no forces were specifically dedicated to support the ship. Therefore, when the crisis developed, no single commander in the vicinity had adequate forces under his authority to deal with the seizure. The efforts of commanders below the level of the unified commander to coordinate their forces to handle the crisis resulted in no action being taken.

At the time she was seized, the *Pueblo* was under the operational control of the Commander, Naval Forces Japan (COMNAVFORJAPAN). However, COMNAVFORJAPAN did not command any forces which could be used to assist the *Pueblo*. He had to request forces from other commands in the vicinity. Air support forces were requested from the Commander, 5th Air Force, in Japan. However, since the 5th Air Force had not been previously ordered to provide specific forces for the *Pueblo*'s mission, none were readily available. Another possible avenue of assistance was the aircraft carrier *Enterprise*, which was on maneuvers approximately 500 miles from the *Pueblo*. The *Enterprise* was under the command of the Commander, 7th Fleet, not COMNAVFORJAPAN. COMNAVFORJAPAN assumed the 7th Fleet would receive notification from Washington to assist the *Pueblo*; therefore, he did not directly request the *Enterprise*'s assistance. As a result of this breakdown in communications, it took almost three hours from the beginning of the crisis for the Commander, 7th Fleet, to change the course of the *Enterprise*.

Peter P. Wallace, in “Military Command Authority: Constitutional, Statutory, and Regulatory Bases,” summarizes the chain of command problems encountered during the *Pueblo* crisis:

If any one of the nearby commanders had sufficient forces to deal with the *Pueblo* seizure, the crisis would have been entirely different. But the precise point is that no one commander had such forces and thus commanders were forced to rely on coordination, requests and assumptions about what others were doing. Two major reasons inherent in the command structure chiefly explain this result. There was no effective unity of command below CINCPAC, and those links in the chain of command, CINCPAC and above, who possessed sufficient authority were too far away to influence the situation. (pages 55-56)

Although the capture of the *Pueblo* painfully demonstrated the dangers of inadequate unification at levels below the unified com-

mander, this problem remains essentially unresolved today, almost 20 years later.

E. THE IRAN HOSTAGE RESCUE MISSION

On April 24, 1980, U.S. military forces undertook the rescue of 53 Americans who had been held hostage in Tehran, Iran, since November, 1979. Code-named Operation Eagle Claw, the mission not only failed to free the American prisoners but ended tragically in the deaths of eight U.S. servicemen as well. Although several problems contributed to the failure of this heroic effort, this paper will only seek to identify and describe its organizational deficiencies.

1. Planning

Shortly after the takeover of the American Embassy, President Carter directed the Department of Defense to plan a rescue operation that could be undertaken if diplomatic efforts to free the prisoners failed. A Concept Plan (CONPLAN) to counter terrorism had already been approved by the Joint Chiefs of Staff (JCS) and, therefore, was available for use in planning this particular contingency. The CONPLAN offered a framework for organizing, planning, training, and executing military responses to terrorist actions. However, the Joint Task Force (JTF) that was established to carry out the rescue mission adopted very little of the JCS CONPLAN; instead, the JTF improvised and relied upon *ad hoc* arrangements to perform most of its tasks. The report of the Special Operations Review Group that was commissioned by the JCS to examine the rescue operation explained that:

. . . major areas of endeavor, such as task organization planning, integration of concurrent planning by subordinate units, and determination of support and requirements, were compartmentalized and reliant upon *ad hoc* arrangements. (August 1980, page 15) (This report will subsequently be referred to as the "Holloway Report" after the Review Group's Chairman, Admiral James L. Holloway, III, USN (Retired).)

Much of the planning of the Joint Task Force was focused on the best means to transport the rescue force deep into Iran to Tehran and back again. A "preliminary assessment" prepared under the direction of the JCS soon after the rescue operation explained the Task Force's major planning problem:

. . . it became clear early in the planning effort that a helicopter-supported operation offered the best prospects for success. Due to the distances involved, a corollary to this realization was that, at some point, a helicopter force would have to be refueled enroute from its launch point to its destination in the vicinity of Tehran. A major portion of the planning effort was focused on finding the best combination of location, tactics, and equipment to make the refueling, as well as the remainder of the mission, militarily feasible. (May 6, 1980, pages 1-2)

The plan that eventually evolved from this planning effort required a complex series of ground and air movements, involving personnel and equipment from all four Services. In his book, *The*

Iranian Rescue Mission: Why It Failed, Paul B. Ryan outlined the plan:

The rescue plan called for six giant C-130 transport planes to lift the men, equipment, and helicopter fuel from an Egyptian air base to an island airfield off Oman for a refueling stop. The planes would then fly to a secret landing strip in Iran, designated "Desert One", 265 nautical miles from Tehran. There they would be joined by eight Sea Stallion helicopters launched three hours earlier from the aircraft carrier *Nimitz*, on station in the Arabian Sea. The rescue force would then transfer to the helicopters and fly to Desert Two, a remote mountain hideaway 50 miles from Tehran. The helicopters would be concealed at a site about 15 miles away. That evening the raiders would be clandestinely driven in vans and trucks to Tehran. About 11 p.m. that night, they would storm the compound, immobilize the guards, and free the hostages.

While the main group overran the embassy, a smaller band would break into the Foreign Affairs Ministry and rescue the U.S. charge d'affaires, Bruce Laingen, and two other Americans. Some forty minutes after the initial break-in, the raiders and hostages would board waiting helicopters at the embassy compound or, if the compound was not usable, at a nearby soccer stadium. If the Delta team, as the rescue group was called, found its way blocked by Iranian mobs, then two C-130 gunships, circling overhead, would immobilize the crowd with gatling guns, which fire 17,000 rounds per minute. Meanwhile, about eighty Rangers would be airlifted from Qena, Egypt, to an isolated desert airstrip at Manzariyeh, thirty-five miles south of Tehran. They would land, seal off the field, and await the arrival of C-141 Starlifters. Next, the helicopters would arrive and discharge their passengers. The helicopters would then be destroyed by their crews. A C-130 gunship would orbit overhead to cover the evacuation. Finally, the loaded transports would take off, presumably to return to Qena and freedom. (1985, pages 1-2)

2. Training

The Joint Task Force headquarters in Washington supervised the training of the plan's disparate forces. After late November 1979, much of the training took place at a desert training site in the western United States. Although members of the JTF headquarters staff traveled to the training site to supervise specific exercises, the general responsibility for supervising training at the site was carried out, in part, by two officers who were advisors to General Vaught but who, at the same time, still worked in their regular duty assignments outside the JTF. The Holloway Report makes it clear that "neither was responsible for the overall management of joint training activities." (page 25)

Complicating the crucial task of joint training even further was the confusion that existed over who was in charge of the helicopter training. Apparently, during the first two months of training, more than one officer immediately below the Commander of the Task

Force was thought to be responsible for preparing the helicopters and their crews.

3. Organizational Problems

The sad ending to this dangerous mission is well known. Paul Ryan briefly describes it at the outset to his book:

In the early dawn of 24 April 1980 [actually 25 April 1980], in the Iranian desert, a group of some 130 Army Green Berets, Rangers, drivers, and Iranian translators plus some 50 pilots and air crewmen were forced to abort the rescue of 53 Americans held hostage in Tehran. The commander on the scene made the decision reluctantly after three of his eight helicopters, for various reasons, were not able to complete the mission. Worse yet, as the evacuation got underway, a helicopter, maneuvering close to the ground, sliced into a large transport plane laden with fuel and ammunition. Both aircraft burst into flames, and eight men died. The remainder flew to safety, leaving behind five helicopters, weapons, communication equipment, valuable secret documents, and maps. . . . (*The Iranian Rescue Mission: Why It Failed*, page 1)

The most serious criticism of the organization of the rescue operation is the charge that all four Services insisted on participating in the mission even though the participation of all four was unnecessary or even harmful. In other words, each Service demanded "a piece of the action". In his position as Assistant to the President for National Security Affairs, Dr. Zbigniew Brzezinski was deeply involved in reviewing the plans prepared by the Defense Department. He made it clear in testimony before the Senate Armed Services Committee that he believes that those plans suffered from a JCS agreement to unnecessarily include forces from all four Services:

One basic lesson [to be learned from the failure of the mission] is that interservice interests dictated very much the character of the force that was used. Every service wished to be represented in this enterprise and that did not enhance cohesion and integration. (SASC Hearings, Part 11, page 503)

A surprising source of similar criticism was Major General John Singlaub, USA (Retired), who had been relieved of his position as Chief of Staff of the U.S.-South Korean Combined Forces Command by President Carter in 1978:

In 1982, Singlaub appeared on the same BBC program as Admiral Holloway and Colonel Beckwith [Commander of the JTF ground forces component]. Responding to a question on the role of each service in the assault, Singlaub surprisingly replied: "There were some political considerations. I think that an effort was made to get *all* of the services involved. . . ." He went on to say that an operation in which Marine pilots flew Navy helicopters and carried Army troops supported by the Air Force "had a nice ring to it, in a public-relations sense". But if this arrangement was a factor, and "there were some who thought it was a major factor", then, he said, "it was wrong." (*The Iranian Rescue Mission: Why It Failed*, page 132)

Criticism of the Services' interest in getting "a piece of the action" largely results from the controversial selection of Marine pilots to join Navy pilots in flying Navy helicopters from the aircraft carrier USS *Nimitz* into Iran. Apparently, Marine pilots were chosen for their experience in assault missions. However, even the Holloway Report, which criticized the mission in only understated and indirect terms, recognized that Air Force helicopter pilots with experience in long-range flying would have been better suited for the long-range demands of the rescue plan:

These USAF pilots, more experienced in the mission profiles envisioned for the rescue operation, would have probably progressed more rapidly than pilots proficient in the basic weapons system but trained in a markedly different role. (page 35)

The report went on to explain that Air Force pilots would have far less difficulty in mastering a helicopter only slightly different than the one they normally flew (the Navy RH-53 and the Air Force H-53 are variants of the same helicopter) than Marine pilots would have in mastering a mission *very different* than the kind they normally flew (long-range flight versus assault missions):

Experience gained in Project "Jungle Jim" (circa 1961) illustrated that learning new and vastly different complex mission skills is far more difficult than transitioning to an aircraft of similar design and performance characteristics. (page 35)

Former Secretary of Defense James R. Schlesinger recalled the lessons of the Sontay raid to make the same point about the choice of helicopter pilots:

Lesson No. 3 [from the rescue mission]: Retention of successful tactics from the past requires an effective institutional memory. Mechanisms to prevent the loss of valuable experience can preclude falling into preventable errors. For example, the raid at Sontay prison in North Vietnam in 1970 was well-planned and brilliantly executed. The distances were substantial. Air Force helicopters used were air-refuelable, and the crews had many hours of night flying and refueling experience. Air Force pilots have had extensive experience working with Army combat units and in delivering them to the combat zone. Experience and trust go together. In a complex operation, the chain is only as strong as the weakest link. Clearly the helicopter link [in the Iran rescue mission] could have been strengthened by drawing on proved equipment and on experience. ("Some Lessons of Iran," *The New York Times*, May 6, 1980, page A27)

The clear implication of this criticism is that Marine pilots were selected not because they could best contribute to the success of the operation but because the Marine Corps lacked any other role in the mission.

Although less important than the choice of helicopter pilots, two other problems illustrate organizational shortcomings of the Iran rescue operation. First, discarding most of the elements of the existing JCS plan for responding to terrorism may have hampered preparation for the mission. The Holloway Report concluded:

... that application of an existing JCS CONPLAN and JCS/Service doctrinal precepts could have improved the organization, planning, and preparation of the force through unity of command and cohesion of effort. That, in turn, would have led to more effective command and control and enhanced overall JTF readiness. (page 18)

The natural temptation in designing a response to a particular crisis is to create an *ad hoc* organization with unique rules for command and control, supply, and training. However, as the Holloway Report points out:

Prolonged *ad hoc* arrangements often result in tasking from different sources and can cause confusion at the operating level. These situational arrangements may hinder preparation and can impact adversely on overall cohesion of effort. (page 18)

In addition, the Joint Task Force could not be sure that events in Tehran would require it to attempt a rescue mission before it was completely ready; therefore, it could not afford to take the time necessary to improvise a "custom tailored" organization.

Second, the poor coordination of the joint training at the western desert training site illustrates the relative inexperience of the Services in training together instead of separately. Although the separate Service elements of the JTF exercised together, the critiques of those joint exercises were generally conducted at the permanent duty locations of the forces. The Holloway Report explains that:

There was limited opportunity for face-to-face exchange of views and problem solving that could have enhanced accomplishment of training objectives; e.g., more training on communications equipment and procedures to assure effective force integration. (page 25)

The failure of the Joint Task Force to centralize responsibility for joint training reflects the historical difficulty that the four Services have had in training together, even when such joint training was essential to the success of a specific operation.

Despite the courage of the servicemen involved in Operation Eagle Claw, it failed to achieve its purpose. Although it is difficult to discern how much of its failure can be attributed to the organizational problems highlighted here, there is no doubt that they contributed to its tragic outcome.

F. THE GRENADA OPERATION

On October 25, 1983 elements of the U.S. Army, Navy, Air Force and Marine Corps assaulted the island of Grenada in the Caribbean. The operation, code-named URGENT FURY, must be viewed as a success. The principle missions—the rescue of the American medical students, the restoration of democracy and the expulsion of Cuban forces—were accomplished rapidly and with relatively little loss of life (18 U.S. servicemen killed and 116 wounded).

The operation was planned and conducted with extraordinary speed. On October 14, the National Security Council instructed the Joint Chiefs to begin planning for the evacuation of American citi-

zens from Grenada. Conditions on the island continued to deteriorate and on October 21 the National Security Council modified its guidance to add the "neutralization of Grenadan Armed Forces, stabilization and, as requested by the Organization of Eastern Caribbean states, restoration of democracy in Grenada." The operation was scheduled to begin before dawn on October 25.

Despite the success of URGENT FURY, after-action reports prepared by the Services and numerous articles in professional journals reveal serious problems in the ability of the Services to operate jointly. These problems have their roots in organizational shortcomings.

This analysis is based upon a review of public sources, interviews with some participants, and after-action reports. As of this writing, the Committee staff has not had access to all of the after-action reports and has not conducted comprehensive interviews of participants.

This analysis is also unclassified. The Committee staff is aware of additional serious problems which cannot be disclosed because they are classified.

1. Concept of the Operation

Grenada is located in the geographical area of responsibility of the Commander-in-Chief of the U.S. Atlantic Command (CINCLANT), Admiral Wesley McDonald, whose headquarters are in Norfolk, Virginia. On October 14, the JCS tasked CINCLANT to begin planning a possible evacuation of U.S. citizens from Grenada. CINCLANT's initial plan called for the operation to be conducted by a Marine Amphibious Unit (MAU) which was on its way to Lebanon and could be diverted. However, when that proposal was reviewed by the Joint Chiefs, it was determined that the Marines should take the northern half of the island and that U.S. Army forces should take the southern half of the island where the major targets were located, including the capital of St. Georges, the Point Salines Airfield, the medical schools and the major concentration of Cuban and Grenadan forces. Some have speculated that CINCLANT's plans were changed only because the Joint Chiefs insisted that each Service should have a piece of the action. There is no direct proof of that allegation, and the JCS have stated that CINCLANT himself discarded using only Navy and Marine Corps units because "the number, size and location of the various objectives exceeded the capability of a single Marine battalion." (JCS response to the "Lind report", *Armed Forces Journal*, July 1984, page 13)

The forces were organized under a Joint Task Force designated JTF 120 and commanded by Vice Admiral Joseph Metcalf, who was the Commander, Second Fleet. Because Admiral Metcalf had no Army personnel on his Second Fleet staff, one Army general officer and two majors were assigned to his staff on an emergency basis. There was no unified ground commander on the island, a matter which caused some problems. Additionally, some Air Force aircraft remained under the control of the Military Airlift Command.

A number of individuals have criticized the tactics and performance of some of the units involved. This analysis undertakes no such criticism but rather focuses on those problems which may be

traced in whole or in part to organizational shortcomings. American forces performed bravely and fought well. Because the operation was so hastily planned and conducted, subordinate and small-unit commanders were forced to make rapid adjustments and to improvise. One of the great strengths of the American Armed Forces has always been the initiative and leadership of small unit commanders. Grenada proved no exception. However, with better organizational arrangements, much of the need for improvisation could have been avoided. In a more serious fight against a stronger and more sophisticated enemy, these organizational failures could prove disastrous.

2. Communications

Probably the largest single problem was the inability of some units to communicate. Many Army and Navy units could not communicate with one another. There were also problems between the Army and Marine units on the ground. The root cause of this inability to communicate is that each Service continues to purchase its own communications equipment which all too frequently isn't compatible with the equipment of the other Services. On March 22, 1985, in response to a question from Senator Nunn as to why there was a lack of communications interoperability between the Services, General Wallace H. Nutting, then the Commander-in-Chief of the U.S. Readiness Command, stated:

It is a function of the way we prepare for war and that is the fact that the law charges each military department to organize, train and equip forces to operate in a particular environment for which it is responsible. That is too simple an answer, but that is where it begins with the way we prepare for war.

For example, the Army elements initially on the ground were unable to speak to the Navy ships offshore to request and coordinate naval gunfire. It has been reported that one Army officer was so frustrated in his efforts to communicate with the Navy ships that he used his AT&T calling card to place a call on an ordinary civilian pay telephone to his office at Ft. Bragg in an attempt to coordinate fire support. It has also been reported that some of the early communications were conducted via a ham radio operator.

Officers from the 82nd Airborne Division flew by helicopter several times to the USS *Guam* (Admiral Metcalf's flagship) to coordinate naval gunfire; unfortunately these efforts were still unsuccessful. Another officer from the 82nd even borrowed a UHF radio from the Marine Headquarters on the *Guam* in order to be able to communicate directly with the Navy ships. However, subsequent efforts by that officer to request fire and to reposition the destroyers to more favorable locations failed in part because of the inability to authenticate requests using Navy codes. (For additional problems associated with coordination of Navy gunfire, see below.)

In a further example, certain messages failed to reach the Army on the ground in Grenada. This problem nearly proved disastrous as one of those messages contained information concerning the existence of a second campus where American students were located. The Army forces were unaware of the existence of the second campus until the students at that campus telephoned on the after-

noon of the 25th to report they were surrounded and to request urgent rescue. The operation was mounted the next day, October 26, successfully rescuing 224 American students.

The JCS "Joint Overview" of the Grenada operation states that "several observations were made in the US CINCLANT report regarding communications difficulties. The observations centered around equipment and compatibility and procedural differences." (May 1, 1985, page 5)

Communications failures were also acknowledged by Army Major General Jack Farris who was the Commander of U.S. Forces Grenada from October 29 until December 15, 1983. General Farris said that the inability of the Army and the Navy to work together "causes communications problems...components of the Joint Task Force being [not] able to talk to each other....It affects the efficiency of all of your operations—for example, intelligence operations." (*Navy Times*, November 5, 1984, page 12)

3. Fire Support

By all accounts the fire support to the Marines was adequate and presented no problem. However, fire support from the Navy to the Army was a serious problem.

According to after-action reports, the coordination between the Army and the Navy ranged from poor to non-existent. The initial assault on the southern part of the island was made by U.S. Army Ranger elements. The Navy was not present at any of the Ranger planning sessions and when Navy aviators were briefed on their mission to support the ground troops, no Army representatives or Air Force Forward Controllers were present. According to an after-action report, Navy aviators

...went into combat the first day with absolutely no knowledge or coordination with the Ranger operation...due to this reason all [USS *Independence*-based] aircraft were initially prohibited from flying south of the northern sector without [special] permission until midday of day one. ("Grenada: Rampant Confusion," Michael Duffy, *Military Logistics Forum*, July/August 1985, page 23)

Likewise, representatives of the 82nd Airborne were not present at CINCLANT's planning sessions on Monday, October 24.

This conscious oversight proved to have several ill-effects, the most important of which was the failure to obtain critical information on the non-Army fire support assets in the area of operations. Procedures for requesting naval gunfire communications channels to be used, FSE [the 82nd Airborne Division fire support elements] coordination with the Supporting Arms Coordination Center (SACC), availability and munitions of air and naval assets are examples of the kinds of issues which were not fully resolved before deployment. These problems and others were dealt with on the ground. ("URGENT FURY: Looking Back and Looking Forward," Major Scott R. McMichael, *Field Artillery Journal*, March/April 1985, page 10)

Pursuant to the 82nd Airborne Division Readiness SOP (Standard Operating Procedures), a Navy unit, the 2d Air Naval Gunfire Liaison Company (ANGLICLO), and an Air Force unit, the 21st Tactical Airlift Squadron (TAS), were notified to send ANGLICLO teams and Technical Air Control parties (TAP) to join the 82nd. However, they did not arrive in time to deploy with the 82nd. Even

after they arrived on Grenada, Major McMichael reports that the ANGLICO "did not have the necessary communications information—codes, frequency, call signs, etc.—to communicate with naval elements." ("URGENT FURY: Looking Back and Looking Forward," page 10)

A similar problem plagued the last major assault by Army forces against an enemy compound at Egmont on October 27. The plan called for preparatory fire support to be delivered by two artillery battalions, U.S. Navy aircraft (A-7's from the USS *Independence*), an Air Force AC-130 and a destroyer. Although the preparation and the assault were successful, a number of problems occurred which caused the artillery and naval gunfire portions to be unsatisfactory. The artillery problems resulted from conflicts within the 82nd Airborne Division. However, as Major McMichael observes, the failure of the naval gunfire has "its roots in the unstable soil of joint operations." Major McMichael writes:

When the preparation was initiated the destroyers did not fire. The ANGLICO was unable to discover why the destroyers were not firing. Apprised of the problem, the division fire support element attempted to assist and was informed by the SACC that the Navy would not fire while friendly aircraft were over the target. The problem was not solved in time to have naval gunfire delivered on the target. Later, it was discovered that the CJTF [Commander, Joint Task Force], who reserved personal approval of all naval gunfire missions, had refused permission to fire because of his lack of confidence in ANGLICO destroyer communications. The question may legitimately be asked why the 82nd Airborne Division and the Rangers were not informed of these decisions prior to the initiation of the preparation. In stark contrast, support provided by the A7s and the AC-130 was uniformly superb. ("URGENT FURY: Looking Back and Forward," page 11)

These failures dramatically illustrate the inadequate attention paid to the conduct of joint operations. The fault rests with both the Army and the Navy. As Major McMichael observes, "No one from any service at the joint level apparently understood fire support doctrine sufficiently to anticipate and resolve the problems which surfaced in Grenada. This problem carried over into the operational phase because the CJTF did not augment his staff...with qualified Army personnel." ("URGENT FURY: Looking Back and Forward," page 12) Surprisingly, there is no fire support manual that covers the particular conditions of URGENT FURY—a combined arms joint attack on an island.

However, all was not bad. There were certainly bright spots. For example, on the afternoon of October 26, Army Rangers, by then attached to the 82nd, conducted an air mobile raid at Grand Anse to rescue American medical students. The Ranger FSO (fire support officer) coordinated fire from Navy A-7s, Army artillery and Marine attack helicopters with no apparent problem.

4. Lack of a Unified Ground Commander

Other problems were apparently caused by the failure to appoint a single ground commander. The Marines on the northern half of

the island were designated as the 22nd MAU and the Army forces on the southern half were designated as JTF 123 (Rangers and Air Force gunships) and JTF 121 (82nd Airborne). These units reported directly to Admiral Metcalf, the commander of the Joint Task Force abroad the USS *Guam*.

At one point the boundary between the Marines and the Army was adjusted southward so that the Marines could conduct a helicopter and amphibious assault at Grand Mal near St. Georges. By all available accounts, the operation went well, but the absence of "unity of command" on the ground prompted General Farris to comment:

We never had a joint land [commander]. We never had a land forces commander in Grenada. Now, it wasn't necessary as long as the Marines were way up there in Pearls and the Army's way down there at Point Salines, but when the forces come in proximity —like they were there after the marines came in north of St. Georges —then you have forces operating in proximity and they must coordinate their efforts. And when you don't have a common commander, then what happens is that people have some disagreements and than they bicker and then they argue. And it takes time to do all that and to debate things and to decide what's going to be done. You don't have time for that in combat. There needs to be a guy there that can say here's the way we're going to do it, here's the resources we are going to use to do it with. (*Navy Times*, November 4, 1984, page 12)

It is reasonable to assume that at least some of the organizational problems, such as the lack of coordination of fire support, could have been solved if a unified ground commander had been established.

5. Logistics

Similar organizational shortcomings caused serious logistics problems. The initial attack elements (the Rangers, the Marines and the 82nd Airborne Division) were deployed so rapidly and with such little planning that they arrived with only what they could load on the initial aircraft.

There was also a decision to exclude the Joint Deployment Agency (JDA) which was created in 1979 to coordinate the rapid deployment of forces. According to reports, the JDA was not included because it did not have adequate communications gear to process highly classified messages. The Department of Defense asserts that this problem has now been corrected. It is distressing that a joint organization established to coordinate operations like Grenada was not employed. It is also clear that whatever the JDA had been doing for those four years, it had not solved the fundamental problems of the inability of the Services to work together jointly. Retired Army General Volney Warner, a former Commander-in-Chief of the Readiness Command, said, "The JDA's major purpose in life is planning that kind of situation. To rule them out is unconscionable." ("Grenada: Rampant Confusion," page 22)

There were problems even within the Services. For example, Lt. Col. Keith Nightingale, a battalion commander in the 82nd, said

"we deployed with virtually nothing except what was in our rucksacks". The 82nd deployed with no vehicles. There was no room on any of the aircraft for the 150 transporters a battalion would normally take on a mission. Without its trucks, the 82nd has no long range communications gear. "No vehicles meant no radios" said Nightingale's executive officer. The 82nd arrived without any heavy anti-armor weapons. TOW missiles did not arrive until D+3. The 82nd did not have the ability to communicate sophisticated intelligence data because its radio teletype were "delayed because they earned a low ranking on the aircraft priority list." ("Grenada: Rampant Confusion," page 26). As a result, the Rangers and the 82nd had to commandeer local trucks and gasoline.

Once the Port Salines airstrip had been secured, a substantial airlift began but backups occurred almost at once. One principle reason was that the runway would only permit aircraft to land, unload, and take off one at a time. But there were other, more organic problems. Duffy writes:

Many units deployed from U.S. bases to Grenada actually spent more time circling the Point Salines airfield than in transit. Some aircraft had to return to Puerto Rico and other locations to refuel. "Aircraft were stacked up to the ionosphere," says one commander, who added that lift operations might have been aborted had the enemy had longer range anti-aircraft capability.

The airlift back-up was complicated by a number of factors. All requests for supplies and access to the island were channeled through the Military Airlift Command's liaison working with the task force commander. But many units, both in Grenada and in the United States, tried to obtain direct flights to the island regardless of the pecking order. The conflicting systems kept a lot of people in the air and probably delayed the arrival of needed equipment. ("Grenada: Rampant Confusion," pages 26-27)

In addition there were a number of other problems. Native food had to be bought in great quantities because much of the rations shipped to the island for U.S. soldiers had to be diverted to feed the more than 800 prisoners of war. The Army also had to create a unique supply system because its existing supply channels proved to be too cumbersome. According to reports, the 82nd Airborne Division resorted to using messengers who would return to Ft. Bragg and order supplies directly from various Army depots. The supplies would then be sent by Express Mail to Ft. Bragg where they were loaded on aircraft bound for Grenada. Even with this expedited process, the first delivery took eight days.

URGENT FURY revealed many shortcomings in the logistical support for the rapid deployment of joint forces. Vice Admiral William Cowhill, the Director of Logistics for the Joint Chiefs of Staff during the operation, has observed:

You've got to get the logistics in early. You get different forces from different services and it causes overlaps and shortages. Unless you get the staffs together early, you can't do the

proper coordinating. ("Grenada: Rampant Confusion," page 22)

As in the other areas examined in this analysis, it seems reasonable to conclude that better organization would have avoided many of these problems.

6. Conclusions

The operation in Grenada was a success, and organizational shortcomings should not detract from that success or from the bravery and ingenuity displayed by American servicemen.

However, serious problems resulted from organizational shortfalls which should be corrected. URGENT FURY demonstrated that there are major deficiencies in the ability of the Services to work jointly when deployed rapidly. The poor communications between the Army and the Navy are unacceptable. The Services are aware of some of these problems and have created a number of units and procedures to coordinate communications, such as the Joint Communications Support Element and the Joint Deployment Agency. However, in Grenada, they either were not used or did not work. More fundamentally, one must ask why such coordinating mechanisms are necessary. Is it not possible to buy equipment that is compatible rather than having to improvise and concoct cumbersome bureaucracies so that the Services can talk to one another? Are the unified commands so lacking in unity that they cannot mount joint operations without elaborate coordinating mechanisms? In a war, these mechanisms would probably be discarded in favor of a much more direct procedure, as happened in several instances in Grenada.

Similar problems arose because of differences in doctrine and training. The lack of understanding on the part of very senior commanders in all Services about the capabilities, assets and tactics of the other Services resulted in serious shortcomings. Far more attention must be paid to joint operations because employment of force by the United States in all but the most unusual circumstances will be joint.

The JCS is not unaware of this problem. In its report of April 1982, the Chairman's Special Study Group on the Organization and Functions of the JCS concluded:

The military organizations given the responsibility for the planning and execution of Joint activities—notably the JCS, the Joint Staff and its subordinate agencies such as the Joint Deployment Agency, and the various Unified Command headquarters—simply do not have the authority, stature, trained personnel, or support needed to carry out their jobs effectively. (page 54)

This inability to work together has its roots in organizational shortcomings. The Services continue to operate as largely independent agencies, even at the level of the unified commands. The failure of the Joint Task Force Commander in Grenada to be familiar with Army and Air Force tactics and assets, and the failure of the senior Army commanders to be aware of the problems of working with the Navy, clearly demonstrate this problem.

In future conflicts, we may not be so successful.

APPENDIX B

THE MILITARY CHAIN OF COMMAND

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THE MILITARY CHAIN OF COMMAND ¹

The framework of the defense establishment is authorized in a handful of basic statutory authorities and several major reorganizations.² Of course, at the top of the pyramid stands the President who, as Commander in Chief, Art. II, § 2, cl. 1, has "the supreme command and direction of the military and naval forces, as first General and Admiral of the Confederacy . . ." ³ "His [the President's] duty and his power are purely military. As commander-in-chief, he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy." ⁴

The Department of Defense, the successor agency to the National Military Establishment authorized by section 201 of the National Security Act of 1947, was made an executive department of the United States by section 4 of the National Security Act Amendments of 1949.⁵

Headed by the Secretary of Defense who "is the principal assistant to the President in all matters relating to the Department of Defense," DOD includes the Office of the Secretary of Defense and the Organization of the Joint Chiefs of Staff, the Armed Forces Policy Council, the military departments and the military services within those departments, the unified and specified commands, and

¹ The phrase "chain of command" as best we can determine, does not appear in the United States Code. Its appearance in decisional authorities is almost as rare. One exception is *Gregory v. Laird*, 326 F. Supp. 704, 708 (S.D. Cal. 1971), where it was noted that in the military establishment the phrase is used to describe a "hierarchy of responsible parties." At the same time, the court stated that "there are numerous chains of command organized to serve different functions, and that certain individuals fit into more than one such chain." For present purposes, the phrase is intended to suggest the hierarchy of responsible parties through which orders run for carrying out military missions.

² These authorities, as implemented by regulations, see, generally, 32 CFR Chap. 1, parts 40-379, include the National Security Act of 1947, 61 Stat. 495, the National Security Act Amendments of 1949, 63 Stat. 578, the Act of October 21, 1977, 91 Stat. 1172, the Inspector General Act of 1978, 92 Stat. 1101, the Department of Defense Authorization Act of 1984, 97 Stat. 614, and Reorganization Plan No. 6 of 1953, effective June 30, 1953, 67 Stat. 638 and Department of Defense Reorganization Act of 1958, 72 Stat. 514.

³ The Federalist Papers, No. 69 (Hamilton).

⁴ *Fleming v. Page*, 9 How. (50 U.S.) 603, 614 (1850).

⁵ 10 U.S.C. § 131.

such other agencies as the Secretary of Defense establishes to meet specific requirements.⁶

Although both provide staff assistance and advice to the Secretary of Defense, the Office of the Secretary of Defense and the Organization of the Joint Chiefs of Staff are separately identified and organized.⁷

The Joint Chiefs of Staff are the principal military advisers to the President, the National Security Council and the Secretary of Defense. The individual service chief is the senior military officer of his service and is responsible for keeping the Secretary or civilian superior of his military department informed of matters considered by the Joint Chief of Staff. While the Chairman of the Joint Chiefs of Staff is the ranking military officer, he may not exercise military command over the Joint Chiefs of Staff or any of the armed forces.⁸

The military departments are separately organized under their respective Secretaries and function under the direction, authority and control of the Secretary of Defense. Each Secretary is responsible to the Secretary of Defense for the operation of his department. Orders to the military departments are issued through the Secretaries of these departments, or their designees, by the Secretary of Defense or under authority delegated by the Secretary or provided by law.

Military missions are performed by unified combatant commands or specified combatant commands which are established by the President, through the Secretary of Defense, with the advice and assistance of the Joint Chiefs of Staff. Combatant commands, which consist of forces assigned to them by the military departments are "under the full operational command" of the commander of the command to which they are assigned. Combatant commanders are responsible to the President and the Secretary of Defense for the accomplishment of the military missions assigned to them. The chain of command runs from the President to the Secretary of Defense and through the Joint Chiefs of Staff to the commanders of unified and specified commands. Orders to combatant commanders are issued by the President or by the Secretary of Defense, or by the Joint Chiefs of Staff by authority and direction of the Secretary of Defense.⁹

The prerogatives of the President as Commander in Chief to specify the chain of command involves the creation of offices and the filling of offices, two separate and distinct powers. The Constitution by the Necessary and Proper Clause assigns the former to Congress,¹⁰ while it deals with the appointing power in Art. II § 2, cl. 2 which provides as follows:

And he [the President] shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States,

⁶ 10 U.S.C. §§ 124, 133, 141, 171, 3010, 5011, 8010.

⁷ See 10 U.S.C. §§ 133 et seq., 141 et seq.

⁸ 10 U.S.C. § 142.

⁹ 10 U.S.C. § 124.

¹⁰ *Buckley v. Valeo*, 424 U.S. 1, 138 (1978).

whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

As Commander in Chief, the President sits on a tremendous source of potential power. However, as in most other things affecting the President (except the powers to pardon, to receive ambassadors and to negotiate with foreign nations), he is dependent upon Congress for authority or money, or both, to convert a potential power into an actual one. So much was clearly stated by Justice Jackson, who concurring in the *Steel Seizure Case*,¹¹ observed that “[w]hile Congress cannot deprive the President of the command of the army and navy, *only Congress can provide him an army or navy to command.*” (*Emphasis added.*)

Professor Edward S. Corwin, a noted constitutional scholar of the recent past and hardly a grudging or reluctant advocate of a strong Chief Executive, noted that insofar as selecting military subordinates is concerned, Congress had kept that power to itself.

One power of supreme military command the President curiously lacks: that of choosing his subordinates. Not only does Congress determine the grades to which appointments may be made and lay down the qualifications of appointees, but it has always been assumed that the Senate shares the appointing power for military as well as civil officers. Without doubt Congress could transfer the power to “the President alone,” but has never done so. Indeed, it has at times attempted to usurp the appointing power itself.¹²

So long as the distinction is maintained between the creation of positions and the fixing of appropriate grades with respect to such positions on the one hand and who the President actually consults in formulating and executing military policy on the other, congressional authority to fix the chain of command is significant. In the exercise of its necessary and proper power Congress both directly and indirectly through the determination of grades and laying down qualifications of appointees effectively establishes the chain

¹¹ *Youngstown Co. v. Sawyer*, 343 U.S. 579, 644 (1952).

¹² Edward S. Corwin, *The President: Office and Powers 1787-1957* (New York, 1957), p. 261. In one of two footnotes to this paragraph, Corwin observes: “Polk was bitter because Congress would not create during the Mexican War the grade of Lieutenant General in order that he might appoint somebody over the heads of Scott and Taylor. ‘My situation’, he lamented, ‘is most embarrassing. I am held responsible for the War, and I am required to entrust the chief command of the army to a general in whom I have no confidence.’” *Id.* at 465, note 102.

In another of Corwin’s well-regarded works, *The Constitution And What It Means Today* 125-126 (1973 rev. ed.), the author describes limits placed on presidential choices by congressional authorization of positions and grades as follows:

Legally, the President is limited in choosing his principal military subordinates, whose grades and qualifications are determined by Congress and whose appointment is ordinarily made by and with the advice and consent of the Senate, though undoubtedly Congress could if it wished vest their appointment in “the President alone.” Also, the President’s power to dismiss an officer from the service, once unlimited, is today confined by statute to require a trial by court-martial if the officer contends that he “has been wrongfully dismissed” and requests one in writing. But the provision is not regarded by the Court as preventing the President from displacing an officer of the Army or Navy by appointing with the advice and consent of the Senate another person in his place. The President’s power of dismissal in time of war Congress has never attempted to limit.

of command. The congressional role in the mentioned regards is reinforced by traditional military reliance on rank and adherence to the seniority system, i.e., "time in grade, time in the service." These factors tend to give Congress a large, if not decisive, role in establishing the formal chain of command. Insofar as lawful orders are concerned, the latter operates exclusively on the basis of "trickle down."

In addition to its power to create offices, art. I. § 8 Cl. 14 empowers Congress "[t]o make Rules for the Government and Regulation of the land and naval Forces." Judicial decisions applicable to this clause are few and guarded insofar as it relates to the President's power as Commander in Chief. Justice Jackson did not go beyond the observation "that [by] the congressional power 'to make rules for the Government and Regulation of land and naval Forces,' . . . it [the Congress] may to some unknown extent impinge upon even command function."¹³

The courts have failed to draw the line between his power and those of Congress, except to proclaim such self-evident dogmas as the President cannot by military orders evade legislative regulations and Congress cannot by rules and regulations impair the authority of the President as Commander in Chief.¹⁴

Although in establishing positions and grades Congress effectively fixes the line followed when the President transmits battle and other orders, legislative efforts to limit absolutely the exercise of command authority to a single mode or channel raises both constitutional and practical problems. Congress undertook to do that on one occasion and a short time later rescinded its efforts when recommended to do so by President Grant.

Section 2 of the Army Appropriation Act of 1867,¹⁵ among other things, provided that all army orders should pass through the General of the Army, who was required to keep his headquarters at Washington and who should not be removed, suspended relieved from his command, or assigned to duty elsewhere, except at his own request or by approval of the Senate.¹⁶

¹³ *Youngstown Co. v. Sawyer*, 343 U.S. at 644.

¹⁴ See, e.g., *Swain v. United States*, 28 Ct. Cl. 173 (1893), *aff'd* 165 U.S. 553 (1897).

¹⁵ 14 Stat. 486-487.

¹⁶ 16 This provision was one of several legal restrictions that Congress imposed on the removal of federal officials largely because of its differences over reconstruction with President Johnson. The chief of these was the Tenure of Office Act, 14 Stat. 430 (1867), the violation of which led to President Johnson's impeachment and trial and eventual acquittal. The opinion of the Court in *Myers v. United States*, 272 U.S. 52, 164-166 (1926), which gave the President broad powers to remove executive officials, describes these events as follows:

We come now to a period in the history of the Government when both Houses of Congress attempted to reverse this constitutional construction and to subject the power of removing executive officers appointed by the President and confirmed by the Senate to the control of the Senate—indeed, finally, to the assumed power in Congress to place the removal of such officers anywhere in the Government.

This reversal grew out of the serious political difference between the two Houses of Congress and President Johnson. There was a two-thirds majority of the Republican party in control of each House of Congress, which resented what it feared would be Mr. Johnson's obstructive course in the enforcement of the reconstruction measures, in respect of the States whose people had lately been at war against the National Government. This led the two Houses to enact legislation to curtail the then acknowledged powers of the President. It is true that, during the latter part of Mr. Lincoln's term, two important, voluminous acts were passed, each containing a section which seemed inconsistent with the legislative decision of 1789. (Act of February 25, 1863), 12 Stat. 665, c. 58, § 1, Act of March 3, 1865, 13 Stat. 489, c. 79, § 12; but they were adopted without discussion of the inconsistency and were not tested by executive or judicial inquiry. The real challenge to the decision of 1789 was begun

Berdahl, whose studies on the commander-in-chief continue to be a frequently cited source in this area, states that "President Johnson signed this [the Army Appropriation] act under protest, holding that it in effect deprived the President of the command of the Army; and having obviously been passed as a measure designed to control him in particular, its injustice and inexpediency were soon recognized and it was soon repealed."¹⁷ Professor Corwin, previously quoted in support of the view that the President lacks the power of "choosing his subordinates", characterized the provision as follows: ". . . the remarkable—and unquestionably unconstitutional—'rider' to the Army Appropriation Act of March 3, 1867, by which President Johnson's power as Commander-in-Chief was partially transferred to General Grant. . . ."¹⁸

The views expressed by Professor Corwin on section 2 of the Army Appropriation Act of 1867 and legislation authorizing and regulating the commander-in-chief's military subordinates are not inconsistent or contradictory. As indicated, the former was undertaken with the purpose and effect of depriving the President of command of the army and as such, was in contravention of one of the unquestioned powers conferred by the Commander in Chiefship Clause, i.e., "general direction of the military and naval operations" and "control of the movements of the army and navy".¹⁹ The 1867 law is a far cry from legislation authorizing officer positions, grades and qualifications pursuant to the congressional necessary and proper powers. The latter, supplemented by the Armed Forces adherence to the seniority system, i.e., "time in grade, time in service", may affect the order of hierarchy which is generally described as the chain of command, but it does not deny or prohibit the President from assuming personal direction of military operations. The latter seems to be the prime reason that led Corwin to

by the Act of July 13, 1866, 14 Stat. 92, c. 176, forbidding dismissals of Army and Navy officers in time of peace without a sentence by court-martial, which this Court, in *Blake v. United States*, 103 U.S. 227, at p. 235, attributed to the growing differences between President Johnson and Congress.

Another measure having the same origin and purpose was a rider on an army appropriation act of March 2, 1867, 14 Stat. 487, c. 170, § 2, which fixed the headquarters of the General of the Army of the United States at Washington, directed that all orders relating to military operations by the President or Secretary of War should be issued through the General of the Army, who should not be removed, suspended, or relieved from command, or assigned to duty elsewhere, except at his own request, without the previous approval of the Senate; and that any orders or instructions relating to military operations issued contrary to this should be void; and that any officer of the Army who should issue, knowingly transmit, or obey any orders issued contrary to the provisions of this section, should be liable to imprisonment for years. By the Act of March 27, 1868, 15 Stat. 44, c. 34, § 2, the next Congress repealed a statutory provision as to appeals in habeas corpus cases, with the design, as was avowed by Mr. Schenck, chairman of the House Committee on Ways and Means, of preventing this Court from passing on the validity of reconstruction legislation. 81 Congressional Globe, pages 1881, 1883, *Ex parte McArdle*, 7 Wall. 506.

But the chief legislation in support of the reconstruction policy of Congress was the Tenure of Office Act, of March 2, 1867, 14 Stat. 430, c. 154, providing that all officers appointed by and with the consent of the Senate should hold their offices until their successors should have in like manner been appointed and qualified, and that certain heads of departments, including the Secretary of War, should hold their offices during the term of the President by whom appointed and one month thereafter subject to removal by consent of the Senate. The Tenure of Office Act was vetoed, but it was passed over the veto. The House of Representative preferred articles of impeachment against President Johnson for refusal to comply with and for conspiracy to defeat, the legislation above referred to, but he was acquitted for lack of a two-thirds vote for conviction in the Senate.

¹⁷ *War Powers of the Executive in the United States* 128 (1921).

¹⁸ *President: Office and Powers*, supra, at 463, note 89.

¹⁹ *War Power of the Executive in the United States*, supra, note 17, at 117, 121.

conclude that the "rider" to the Army Appropriation Act of 1867 was unquestionably unconstitutional.

Clearly, Congress in authorizing (or refusing to authorize) positions and grades can have a significant bearing on the President as Commander in Chief, but that fact alone does not make congressional action or inaction unconstitutional. Justice Brandeis, dissenting, dissenting, *Myers v. United States*,²⁰ effectively stated that such disharmony is the price exacted by the separation of powers.

The separation of the powers of government did not make each branch completely autonomous. It left each, in some measure, dependent upon the others, as it left to each power to exercise, in some respects, functions in their nature executive, legislative and judicial. Obviously the President cannot secure full execution of the laws, if Congress denies to him adequate means of doing so. Full execution may be defeated because Congress declines to create offices indispensable for that purpose. Or, because Congress, having created the office, declines to make the indispensable appropriation. Or, because Congress, having both created the office and made the appropriation, prevents, by restrictions which it imposes, the appointment of officials who in quality and character are indispensable to the efficient execution of the law. If, in any such way, adequate means are denied to the President, the fault will lie with Congress. The President performs his full constitutional duty, if, with the means and instruments provided by Congress and within the limitations prescribed by it, he uses his best endeavors to secure the faithful execution of the laws enacted. Compare *Kendall v. United States*, 12 Pet. 524, 613, 626.

Although Congress in establishing the hierarchy of responsible parties effectively fixes the line followed when the President gives orders, it seems that legislative efforts intended to limit his sources of advice on military matters would be a futile endeavor.

In summary, Congress by law has effectively established the chain of command and by law has changed it or authorized the President, subject to congressional scrutiny, to change it. If Professor Corwin can be relied on, Congress traditionally establishes the President's military subordinates.

To some extent, the congressional power to make rules for regulation of the armed forces seems supportive of this conclusion although case law is silent on the point. In any event, it is striking that the chain of command accords with the scheme set forth in the basic military legislation of the United States.

The position of Chairman at the Joint Chiefs of staff was authorized by the section 211 of the National Security Act Amendments of 1949,²¹ which specifically designated the incumbent to preside at meetings of the Joint Chiefs, but he was not to be considered Chief of Staff to either the President or the Secretary of Defense or of the Armed Services. The Act provided that he should have no vote.

²⁰ 272 U.S. at 291-292.

²¹ 10 U.S.C. § 142.

Briefly, the Chairman, so long as he remains chairman, is prohibited under existing law from exercising military command. Accordingly, placing him in the chain of command for purposes of performing military missions would require two changes in existing law: (1) modification of 10 U.S.C. § 142(c) to permit him to exercise command generally or for particular purposes, and (2) modification of 10 U.S.C. § 124(c) to insert him in the chain of command between the President and Secretary of Defense and combatant command commanders.