

clear operations, since by law he is the only man that is authorized to use nuclear weapons.

Consequently, I think the President, whoever he happens to be, should spend more time learning the mechanics of the operation.

Mr. BARRETT. Thank you.

Mr. Chairman, I might comment that last year, because of the sorts of things the Admiral has just gone over, the subcommittee, in looking at the quality of military advice—compliments that it was not good or timely, and these sorts of things—took steps to point out, and to put in the law, that the Chairman is an adviser in his own right, and to make that responsibility known. And I think Admiral Moorer corroborated somewhat what we did.

Admiral MOORER. Yes.

Mr. NICHOLS. Thank you very much, Admiral Moorer, we appreciate very much your testimony and expertise.

If there is no further business, the subcommittee stands adjourned subject to the call of the Chair.

Admiral MOORER. Thank you, Mr. Chairman. I would just like to say I have spent many, many hours with this committee and always found everyone most courteous. It is one of my fondest memories of the time I spent, going way back in the old days. We have had some very, very interesting chairmen.

Mr. NICHOLS. Thank you.

[The following information was received for the record:]

11 JULY 1983.

Hon. BILL NICHOLS,

Chairman, Subcommittee on Investigations, Committee on Armed Services, U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of 30 June 1983 which included a question to be entered in the record of your Committee's hearing on 29 June 1983. I will attempt to be as brief as possible but in my opinion the question focuses on one of the most troublesome aspects of our national command structure. At least this is the very firm conclusion I reached during my seven years as a member of the Joint Chiefs of Staff.

Your question is repeated below:

Question. In your judgment what should be the role of the Secretary of Defense in the chain of command? Does the present law need to be clarified on this point?

Answer. The Constitution of the United States designates the President as the Commander in Chief of the Armed Forces, to achieve the fundamental objective of the founders of our Democracy to make certain that the operation of the Armed Forces is under the firm control of the *highest* civilian in our government.

The National Security Act, passed by Congress on 24 July 1947 created the Office of the Secretary of Defense with executive authority over the Service Secretaries and the Armed Forces. This authority was significantly increased by the Reorganization Act of 1958. Specifically, referring to the chain of authority concerning the Unified and Specified Commands the Act states: "Such combatant commands are responsible to the President and the Secretary of Defense, for such military missions as may be assigned them by the Secretary of Defense . . ." In addition, while the Act of 1958 did require the Secretary of Defense to delegate in writing to the many Assistant Secretaries of Defense authority to issue orders to the Service Secretaries it had one critical omission: The Congress did *not* authorize or forbid those in the Defense Department hierarchy below the Secretary to issue orders to the Joint Chiefs of Staff and the Unified Commands. Therein lies a problem that was evident almost daily during the Vietnam War.

Experience to date makes it clear that the present chain of command as established by existing law depends heavily on personal relationships and attitudes. If the Secretary of Defense or his staff decide to preempt and overrule the professional recommendations of the Joint Chiefs of Staff they can do so within the bounds set by law without the Commander in Chief ever being aware of the Joint Chiefs of Staff position. In addition, if the Secretary of Defense and the National Security