

Council staff do not work together in close harmony, the Chairman and other members of the Joint Chiefs of Staff could receive direct orders from the President which have not been transmitted in advance to the Secretary of Defense. The Chairman of the Joint Chiefs of Staff is then faced with the task of "closing the loop" and making certain that the Secretary of Defense is in effect brought into the problem from the back door. During the time that the office of the Secretary of Defense has been in existence, i.e. since 1947, the above situations have come about.

For instance, during the term of Secretary McNamara the Joint Chiefs of Staff's military advice was not accepted and, in effect, there were occasions when the President was urged not to accept their advice. This meant that the staff of the Secretary of Defense in fact became the agency issuing military directives dealing with highly professional subjects on tactics and military action in general, while the United States was engaged in a war.

Immediately after I became Chief of Naval Operations in 1967, Senator Stennis, as a result of the broad difference of opinion concerning the way the air war against North Vietnam should be conducted, directed his Preparedness Subcommittee to hold hearings on the subject. I respectfully recommend that the members of the Committee carefully study the Senate Subcommittee's report which contains the following:

"... the plain fact as the uniformed commanders' testimony demonstrated clearly is that the civilian authorities consistently overruled the unanimous recommendations of the military commanders and the Joint Chiefs of Staff for a systematic, timely and hard-hitting integrated campaign against vital North Vietnam targets. Instead, for policy reasons, we have employed military aviation in a carefully controlled restricted and graduated buildup in bombing pressure which discounted the professional judgment of our best military experts and substituted civilian judgment in the details of target selection and the timing of strategy. We shackled the true potential of airpower and permitted the buildup of what has become the worst, most formidable anti-aircraft defense. It is not our intent to point a finger or to second-guess those who have determined policy but the bold fact is that this policy has not done the job and it has been contrary to the best military judgment... as between these diametrically opposed views of the Secretary of Defense and the military experts and in view of the unsatisfactory progress of the war, logic and prudence require that the decisions be made with the unanimous weight of professional judgment.

"It is high time, we believe, to allow the military voice to be heard in connection with the tactical details of a military operation."

The Senate Preparedness Subcommittee did not suggest that the command system was not working within the limits of the law. Rather it set forth clear reasons as to why the system was not working even though legal.

During the Nixon administration the situation became somewhat different. In this case the difficulty in relationships was primarily between the Secretary of Defense and the President and members of the National Security Staff in the White House. Nevertheless, in both cases the result was often the same. It was difficult to inject military advice into the specific courses of action which were finally followed.

In view of the above, Mr. Chairman, I recommend that the laws dealing with the chain of command from the Commander-in-Chief to the combat forces be clarified. At the very least the law should get the Office of the Secretary of Defense out of military direction of the Armed Services and make certain that the Commander-in-Chief and the Congress receive the unfiltered and unmodified counsel of the nation's military leaders, as represented in the corporate body of the Joint Chiefs of Staff. (In my opinion, none of the last several Presidents met with the Joint Chiefs on an eye to eye basis as often as necessary, although recently the situation has significantly improved.)

In order to facilitate the above, it is strongly recommended that the Chairman of the Joint Chiefs of Staff be designated by law as an official member of the National Security Council. This will insure the presence of a military professional during debates over crisis management.

(End of Statement.)

Mr. Chairman, I would be pleased to discuss this vital matter in more detail if you and your Committee so desire. In any event, I sincerely hope that the Committee can change the law in such a way that we will never again be involved in a no-win situation directed by those completely ignorant of military operations. The mili-