

D. What advice has the Joint Chiefs rendered in formulating the answers to the foregoing questions?

In closing, a final word about the Skelton bill, H.R. 2560. Although unhappily its time may not have come, it contains many features worthy of continuing study and further development.

One of the most important is the proper role of the Secretary of Defense in the chain of command in contrast to his role as Secretary of the Department of Defense. In the latter he is unquestionably—by law—"the principal assistant to the President in all matters relating to the Department of Defense." Let me remind you that in the channel of command is not a part of the Department of Defense where the Secretary generates armed forces for use in war.

The chain of command is the channel whereby the President as Commander in Chief issues orders to the combatant forces which are outside the Department of Defense. So, what is the Secretary in the chain of command, where he wears another hat?

Conceivably, he could be a number of things. For example, he could be "the principal assistant to the Commander in Chief in all matters relating to the chain of command," parallel language to that describing his role in the Department of Defense. Or he might be a Deputy to the Commander in Chief with such duties as the latter might assign. A third possibility is for him to be an independent command authority in the chain of command just below the President, responsible to him for the combatant commands and all they do in peace and war. There are undoubtedly other options.

Today, no one can give an authoritative answer to these uncertainties I raise. Until an official decision is reached as to what is expected of the Secretary in the chain of command, particularly in time of war, we shall not be able to decide many of the issues arising in the course of a thorough reorganization of the JCS. Anything this committee can do in the future to eliminate the present uncertainties regarding the role of the Secretary in the chain of command will be a major contribution to national security.

Thank you, Mr. Chairman.

Mr. NICHOLS. Thank you, General, for your testimony.

#### WRITTEN STATEMENT OF GEN. MAXWELL D. TAYLOR, USA (RET.)

Mr. Chairman and Members of the Committee: Thank you for the opportunity to testify again before this subcommittee on the subject of the Joint Chiefs of Staff organization and procedures. Both are matters of long time interest to me. I understand that you have had access to my testimony of July 14, 1982 on this subject so I will not refer directly to it. Since then, my views have changed little if at all and are quite similar to those expressed in Congressman Skelton's bill H.R. 2560, presently before you.

The most important event bearing on the Joint Chiefs of Staff issue since our last meeting has been the submission of the Department of Defense bill, H.R. 3145, which I shall comment on at some length. As you know, it contains two proposals, the first being to insert the Chairman, Joint Chiefs of Staff in the chain of command. Although the Secretary of Defense refers to it as "an important Defense initiative," I find it little more than a legislative legitimatizing of most of a Department of Defense Directive No. 5100.30 of December 2, 1971, which reads:

"National Command Authorities (NCA). The NCA consists only of the President and the Secretary of Defense or their duly deputized alternates or successors. The chain of command runs from the President to the Secretary of Defense and through the Joint Chiefs of Staff to the commanders of the unified and specified commands."

The language used in H.R. 3145 reads as follows:

"The chain of command runs from the President to the Secretary and through the Chairman, Joint Chiefs of Staff to the combatant commands. Orders to combatant