

GENERAL COMMENTS ON THE BILL AND THE PROCESS BY WHICH IT WAS PRODUCED

The bill itself is substantially changed from the staff draft originally submitted to the Committee for consideration. That does not necessarily make it good legislation. There remain serious questions about whether the bill would in fact lead to improvement of the organization and functioning of the Department of Defense or whether, in fact, it would make the situation worse.

Moreover, the legislation was marked up without the benefit of a single hearing covering many if not most of the specific proposals that it contained. There were hearings last fall on the proposals contained in the Staff Study, "Defense Organizations: The Need For Change," and in previous years on the general need for reorganization. The hearings last fall demonstrated fairly clearly that, whatever needs for change there might be, the changes required were not, on the whole, those proposed by the staff study. Moreover, many witnesses, including most current officials, contended that many of the problems identified by the staff study simply did not now exist, although they may have existed at an earlier time.

Nor was there even a single hearing on the legislation as it was shaped during the mark-up process, a process that was conducted entirely in executive session. The suggestion that hearings be held following the exhaustive mark-up was not seriously considered.

In consequence, the Committee and the Congress do not have the benefit of any formal outside evaluation of the effects and consequences of the legislation, of whether it provides real solutions to real problems, or of whether it may not do more harm than good.

The absence of hearings, of formalized consultation and evaluation, explain much of the confusion about the legislation in the media and among officials in the Government. That absence also explains much of the resistance and resentment of officials in the Department of Defense to the legislation, resistance and resentment to which some members of the Committee have taken public exception.

The bill would, if enacted, produce a massive shifting of powers and authorities. The Service Secretaries and Service Chiefs would lose power, the Combatant Commanders (CINCs) and the Chairman of the Joint Chiefs of Staff would gain it. A bifurcation would be created between the Chairman and Vice Chairman of the JCS on the one hand and the uniformed Service Chiefs on the other. There would be other readjustments of lesser significance, and the implementation of recommendations from other sources, such as the Packard Commission, could produce additional changes.

The result will invariably be an increase in policy disagreements and bureaucratic conflicts, but there is no authority short of the Secretary of Defense to resolve them. It is ironic that legislation that was motivated and justified in part upon the need to reduce the workload and span of control of the Secretary of Defense may, in fact, make his job substantially more difficult by an exponential multiplication of the issues that only he can resolve.