

Subsection (c) of section 162 would slightly modify subsection (c)(1) of the repealed section 124, but would continue to specify that combatant commands are responsible to the President and to the Secretary of Defense for the performance of such military missions as may be assigned to them by the Secretary of Defense with the approval of the President.

Sec. 163. Operational Chain of Command

Section 163 deals with the operational chain of command. Subsection (a) would specify that, unless otherwise directed by the President, the chain of command for the operational direction of the combatant commands runs from President to the Secretary of Defense to the commanders of unified and specified combatant commands. Without infringing upon the President's authority as Commander in Chief to direct otherwise, the provision would specify the normal chain of command that the Congress finds to be preferable in terms of meeting national security needs and preserving civilian control of the military.

Subsection (b) of section 163 would authorize the President or the Secretary of Defense to direct the channel of command communications to run from the Secretary of Defense to the commanders of the unified and specified combatant commands through the JCS Chairman. Should the JCS Chairman be placed in the channel of command communications, the orders that come from the Chairman must be initiated by, authorized by, and be in the name of the President or Secretary of Defense. The President's Blue Ribbon Commission on Defense Management made a similar recommendation regarding a role for the JCS Chairman in the channel of command communications:

The Secretary of Defense should direct that the commands to and reports by the Commanders-in-Chief of the Unified and Specified Commands (CINCs) should be channeled through the Chairman. * * * (page 11)

The Committee has specifically determined that the JCS Chairman should not be placed in the operational chain of command. Moreover, the Committee directs that placing the JCS Chairman in the channel of command communications shall not in any way grant him command authority. The Committee's direction in this regard is consistent with the second sentence of subsection (c) of the current section 142 of title 10 (which would be continued in subsection (c) of section 152) which provides: "he [the JCS Chairman] may not exercise military command over the Joint Chiefs of Staff or any of the armed forces." The Committee believes that the role of the JCS Chairman regarding operational matters must be carefully prescribed in order to ensure the absolute and unquestioned integrity of the fundamental principle of civilian control of the military.

Subsection (c) of section 163 would authorize, unless otherwise directed by the President or the Secretary of Defense, a commander of a unified or specified combatant command to prescribe the chain of command within his command and to organize his command. The authority to organize the command does not extend to altering the internal organization of units assigned to the command; such