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GOLDWATER-NICHOLS: AN INTERIM ASSESSMENT OF THE CINCS' AUTHORITY

BY

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GOLDWATER-NICHOLS: AN INTERIM ASSESSMENT OF THE CINCS' AUTHORITY

AN INDIVIDUAL STUDY PROJECT

by

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ABSTRACT

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The Defense Reorganization Act of 1986, commonly referred to as the Goldwater-Nichols Act, is the most significant defense reform effort since World War II. It is another step in a long evolutionary process that has attempted to focus our military efforts on forces that are unified, fight jointly, and have a clear chain of command. The center of this effort in the Act was the authority of the combatant commanders, the CINCs. How did this Act come about? What was the intent? Does the CINC operate with the authority the law intended? And finally, how far has the effort gone to date? This study attempts to provide insight into these questions and evaluate where the military stands with regard to the Act's provisions that were directed at matching the CINC's authority to responsibility.

"With limited forces, nearly everything that happens nowadays is a joint operation. No one service plays a paramount role."

(Lord Mountbatten)

"The effective use of military power of the nation requires that the efforts on the separate military services be closely integrated...."

(UNAAF 1-1)

"...to place clear responsibility on the commanders of the unified and specified combatant commands and insure that the authority of those commanders is fully commensurate with that responsibility..."

(From the purpose statement of the 1986 Goldwater-Nichols Act)

The commanders-in-chief of the unified and specified commands, the CINCs, are our nation's primary warfighters. They are the commanders whose responsibility it is to synchronize and focus the combat power of the United States.

The Defense Reorganization Act of 1986, commonly referred to as the Goldwater-Nichols Act, places this warfighting responsibility squarely on the CINCs. The Act attempted to legislate the authority necessary for them to carry out their role. How successful has the law been in balancing a CINC's authority with his responsibilities? This study will assess how his role has been enhanced by the implementation of the relevant sections of the

Goldwater-Nichols Act. It will evaluate the current situation, and assess how it matches the Law's intent. This is by no means a final assessment. The process is evolutionary, both in the implementation of the Act and in the continuum of defense reforms.

The Department of Defense (DOD) is responsible for our national security. Although warfighting is a primary function of the DOD, this is sometimes obscured by the political rhetoric. The best way to defend is to have a potent offense. This does not imply that we must fight. However, if we are not prepared to fight, or are perceived by other nations, as unprepared and unwilling to use war as a political option, then we will deal from a weakened position in the international arena.

The warfighters in the Department of Defense are the commanders of the eight unified and two specified commands. These ten "CINCs" are the spearpoints of United States defense and security policy. The composition and readiness of their commands add credibility to U.S. national strategy and the attendant policy. The defense policy is set by the nation's leadership. The strategy that is developed from it is carried out primarily by the CINCs.

It is apparent that the combatant commanders, the CINCs, are in a pre-eminent military role within the Department of Defense. This was not always the case. The

power and authority of the CINCs has been evolutionary. It began with their establishment in 1947 and has evolved throughout the intervening years by changes in policy, directives, and legislation. The most profound change thus far was brought about by the passage of the Goldwater-Nichols Defense Reorganization Act of 1986. This bill has been called the most sweeping reorganization of the Defense Department in its history. The bill went far beyond just increasing the authority of the combatant commanders. However, in terms of providing for the most effective way of improving the nation's warfighting capability, the provisions that deal with the combatant commands are among the most important in the Act.

The study will first look at the history of defense reform from 1945 to 1986, examining each succeeding change. This will be followed by an examination of the Goldwater-Nichols Act, concentrating on those provisions that affected the combatant commanders, providing some insight into the intent the framers of the legislation had in mind when it was written. It is important that any assessment be based on the intended meaning of the Act, not simply the words. Additionally, the study will provide an assessment of where the DOD is today with respect to what the Act intended. Finally, a brief look at future questions on reform as it takes its next evolutionary step.

A thorough study of Operation Desert Storm, and its predecessor, Desert Shield, will provide an opportunity for a much more definitive study on this subject. This study will draw upon the limited data available to date. A further assessment will be left to the post war period.

What is the history of reform that led up to the passage of Goldwater-Nichols?

"The problems this bill (Goldwater-Nichols) seeks to cure were evident long before the 1950's. Many date back to the Spanish-American War. Serious problems were evident during the battles of the Second World War, including Pearl Harbor and Leyte Gulf. They were repeated during the Viet Nam War, the Pueblo Seizure, the Iranian Hostage rescue mission, and even during the successful incursion into Grenada."¹

This quote is from the speech made by Senator Barry Goldwater on the floor of the Senate, 7 May 1986. It was made in conjunction with the introduction of the Senate's version of the legislation that was to become the Defense Reorganization Act of 1986. The Act, designated the Goldwater-Nichols Defense Reorganization Act, was not an end point but rather another step along a continuum of reform efforts that started, in earnest, after World War II. In order to understand the current Act it is helpful to review the past efforts in this evolution.

What was the driving force behind all of these reforms?
What was the objective Congress and the administration

sought to legislate? Obviously, it was to improve the capability of the Department of Defense to fight wars. Enhanced warfighting capability was at the core of the Act and all of the previous congressional and departmental reform efforts.² These efforts also had another common thread which was, that unified actions by the services would enhance warfighting capability. Joint operations are more efficient and effective, not only on the battlefield but inside the DOD functional structure. President Eisenhower said of this:

"Separate ground, sea, and air warfare is gone forever. If ever again we should be involved in war, we will fight it in all elements, with all services as one single concentrated effort....Strategic and tactical planning must be completely unified, combat forces organized into unified command.....singly led and prepared to fight as one, regardless of service."³

Though this quote is from a speech made in 1958, it appropriately sums up the feelings of many of the reform leaders throughout the period from World War II to the present. There were six major actions undertaken between World War II and the passage of Goldwater-Nichols. They are summarized in Armed Forces Staff College Publication Chart, Figure 1. They were all undertaken in the name of reforming the defense establishment, making it more effective and efficient, with the aim of improving our nation's warfighting capability.

LEGISLATIVE CHANGES TO THE JCS

LEGISLATION	PROVISIONS
1947 NATIONAL SECURITY ACT	• DESIGNATED SECRETARY OF NATIONAL DEFENSE TO EXERCISE GENERAL AUTHORITY, DIRECTION, & CONTROL • CREATED THE NATIONAL MILITARY ESTABLISHMENT • ESTABLISHED USAF • ESTABLISHED CIA AND NSC • GAVE MILITARY DEPARTMENT HEADS CABINET RANK AND APPOINTED THEM TO MEMBERSHIP ON NSC • ESTABLISHED JCS AS PERMANENT AGENCY • JCS BECAME PRINCIPAL MILITARY ADVISERS TO PRESIDENT & SECRETARY OF DEFENSE • ESTABLISHED UNIFIED / SPECIFIED COMMANDS
1948 KEY WEST AGREEMENT	• JCS MEMBERS FUNCTION AS EXECUTIVE AGENTS FOR UNIFIED COMMANDS • SERVICE ROLES DEFINED
1949 AMENDMENT	• MILITARY DEPARTMENT HEADS LOSE CABINET RANK AND ARE REMOVED FROM NSC • RENAMED NME THE DEPARTMENT OF DEFENSE • CREATED OFFICE OF CHAIRMAN
1952 AMENDMENT	• GAVE COMMANDANT OF THE MARINE CORPS (CMC) CO-EQUAL STATUS ON JCS ON MARINE CORPS ISSUES
1953 AMENDMENT	• REMOVED JCS FROM EXECUTIVE AGENT STATUS, I.E., HANDLING DAY-TO-DAY COMMUNICATIONS & SUPERVISION OVER UNIFIED COMMANDS • ESTABLISHED MILITARY DEPARTMENTS AS EXECUTIVE AGENTS FOR UNIFIED COMMANDS
1958 AMENDMENT	• GAVE CHAIRMAN THE VOTE • REMOVED MILITARY DEPARTMENTS AS EXECUTIVE AGENT • JOINT STAFF HAS NO EXECUTIVE AUTHORITY BUT ASSISTS THE SECRETARY OF DEFENSE IN EXERCISING DIRECTION OVER UNIFIED COMMANDS
1978 AMENDMENT	• MADE CMC A FULL MEMBER OF JCS
1986 AMENDMENT	• DESIGNATED CHAIRMAN PRINCIPAL MILITARY ADVISER • TRANSFERRED DUTIES OF CORPORATE JCS TO CHAIRMAN • CREATED POSITION OF VICE CHAIRMAN • SPECIFIED OPERATIONAL CHAIN OF COMMAND TO RUN FROM PRESIDENT TO SECRETARY OF DEFENSE TO UNIFIED AND SPECIFIED COMBATANT COMMANDERS

References: National Security Act of 1947, as amended;
 Reorganization of the National Security Organization,
 Report of the CNO Select Panel, dated March 1985

FIG 1

The first of these efforts was the 1947 National Security Act. It was a compromise that grew out of the opposing positions on reform taken by the Army and the Navy after World War II. The debates that ensued were characterized at times as fiercely bitter. The Navy, on one side, steadfastly fighting to retain its autonomy and control over its missions, opposed the creation of anything like a single Department of Defense. The Navy's objections concerned the unification of the services and a concern that the attendant centralization would limit opposing points of view.⁴ Additionally, the Navy saw a single Department of Defense as a threat because the Army, being much larger, would dominate the organization.⁵ The Army, on the other hand, had several points it lobbied Congress for. Some of these were: a single Secretary of Defense, unified commands, a single budget instead of service budgets being submitted to the President, a separate Air Force, and restricted naval aviation missions.⁶ This debate raged on in Washington. It became so intense that a 1945 Newsweek story called it the "Battle of the Potomac". What emerged as the National Security Act of 1947 was not perfect by any means. It was a compromise that created the National Military Establishment and the other major points listed in Figure 1.

The unified and specified commands were established under this Act. They were, for the most part, geographically based; Strategic Air Command being the exception and they reported directly to the JCS.⁷ The CINCs had little or no control over forces assigned because they were at the mercy of the services for equipment, training, etc. This forced the CINCs to work through the services, and to accommodate them. It was a flaw that would remain throughout much of the reform process.⁸

The next step in the evolution was the Key West Agreement of 1948. Though not a congressional initiative, it was an attempt to correct problems in the DOD structure that the 1947 Act did not. It had a minor effect on the combatant commanders. The agreement which was worked out between the services and the Secretary of Defense was intended to clarify the services' roles and missions. A document was produced entitled "Functions of the Armed Forces and the Joint Chiefs of Staff". Its primary purpose was to delineate which service had authority to do what missions. Emerging from Key West were three separate services, each with primary responsibilities and missions. Additionally, they had agreed to assist each other in accomplishing their missions, however there was no strong incentive to do this.

"...Key West set up the basic structure of responsibilities and missions. Interservice

disputes did not end. Since each service had its own programs and doctrines to protect, none of the three wanted to waste valuable budget money and resources on programs designed to aid its Pentagon rival. Under the Key West structure, there was very little incentive to do so."9

The one area that affected the combatant commanders was the appointment of individual JCS members to act as executive agents for specific CINCs. It was hoped that this would give them a stronger joint advocate. It did not.

The Key West Agreement of March 1948 did not produce lasting agreement. Almost immediately after its adoption additional problems arose. The central issue was the Navy's nuclear role. The Secretary of Defense called a second meeting at Newport, RI in August 1948. Another compromise was worked. The "Newport Agreements" gave the Navy a role in nuclear weapons and put the Air Force in the lead role. This compromise did not end the service disputes, they would raise up again and again.

The 1949 amendment to the National Security Act did not directly affect the CINCs except that it did nothing to strengthen their positions. The amendment was intended to correct some of the weaknesses that were built into the "compromise" Act of 1947. It reduced the status of the service departments by designating them as subordinate departments to the newly designated Department of Defense. The Secretary of Defense was given "effective authority and

control over the military budgets" of the Department of Defense. The Secretary was given control over the submission of all legislation for appropriations. Finally, the position of Chairman was added, as a fifth non-voting member to the Joint Chiefs of Staff. The thrust of the 1949 amendment was to strengthen the central control of the DOD. It was also aimed at creating a more unified approach to the defense of the country. It too fell short of the mark.

"If the 1949 Amendment was expected to quell service rivalry, it failed to meet that goal. The provision concerning the Joint Chiefs of Staff confused rather than clarified their role in providing advice to the President while the Chairman was to take precedence over all other officers in the Armed Services. He was not to exercise military command over the Joint Chiefs of Staff. In effect, they merely added another member to the committee of equals."¹⁰

1953 saw the election of President Eisenhower. Here was a leader who had broad experience within the United States military establishment. He had criticized aspects of the military's performance during his campaign, especially the inability of the services to effectively work jointly.¹¹ He believed that if he strengthened the JCS Chairman, Staff, and the Combatant Commanders this would promote jointness and weaken the services parochial strongholds.¹²

The 1953 and 1958 defense reform efforts addressed four areas that President Eisenhower felt hindered the Joint structure from accomplishing its tasks:

1. The Chairman's lack of independent authority.
2. The dual-hatting of service chiefs as members of the JCS and as military leaders of their service.
3. The dominance individual services exercised over the Joint staff.
4. The weakness of the unified and specified commanders.¹³

Eisenhower fought vigorously for these reforms. He was resisted by the usual group of senior officers, service chiefs, and service secretaries. There was a feeling among the military that he did not listen to their advice and comments. He said: "It wasn't that the military was ignored, it was that each service was ignored; the military was unable to voice a unified position."¹⁴

Eisenhower, from his experience in World War II, felt that the United States would be best served by its military if there were a joint force, unified and led by a single commander. He felt that service rivalries were counterproductive and detracted from readiness and warfighting capability. The key to improving the warfighting capability of the United States was the strengthening of both the Chairman of the Joint Chiefs of Staff and the commanders of the unified and specified commands.¹⁵

The passage of the Defense Reorganization Acts of 1953 and 1958 brought to a close the major post World War II era of defense reform legislative efforts. The President was not able to attain all of his goals. He did, however, substantively increase the power and authority of the Secretary of Defense. This was accomplished by strengthening the Secretary's control over centralized budgeting. This gave him a greater degree of control over the services' programs. The power and authority of the Chairman of the Joint Chiefs was another area that President Eisenhower felt was strongly in need of reform. The Act, however, failed to significantly enlarge the powers of the Chairman. He did not get the kind of authority over the corporate JCS that Eisenhower wanted. He got a vote, but not the ability to insure that the JCS could produce a truly unified position, free of the influence of parochially driven compromise. The bottom line was, the Service Chiefs drew their power from being Chief of their service. This made it extremely difficult for them to decide an issue from a truly unified or joint perspective.¹⁶

The proposed reforms of 1953 and 1958 were wide in scope. One area President Eisenhower felt particularly strong on was the unified operational command structure. This was due, again, to his wartime experience. He wanted to create a truly unified command structure one in which the

commander had true control of his assigned forces. He envisioned a system in which the service, to whom the assigned unit belonged, would take responsibility for the maintenance of the forces: recruiting, organizing, training, and equipping.¹⁷ The commanders of the unified commands, on the other hand, would have true operational command of the forces.

This set up a situation as depicted in Figure 2, where one chain of command was from the National Command Authority (NCA) through the military departments to the component commands. This was the administrative chain of command. The other, the operational command chain, was routed from NCA through the corporate Joint Chiefs.¹⁸ The latter chain was made more confusing because of the role the JCS played. They were transmitters of the orders and this was enough to blur the command line and cause confusion about who was directing the unified commands.¹⁹ This arrangement also left the CINCs dependent on the services for their command's composition and readiness in peacetime. Although, in wartime, he was in command he would have to fight with what was given him by the services without much recourse.

ORGANIZATION FOR NATIONAL SECURITY NATIONAL MILITARY COMMAND STRUCTURE (NMCS)

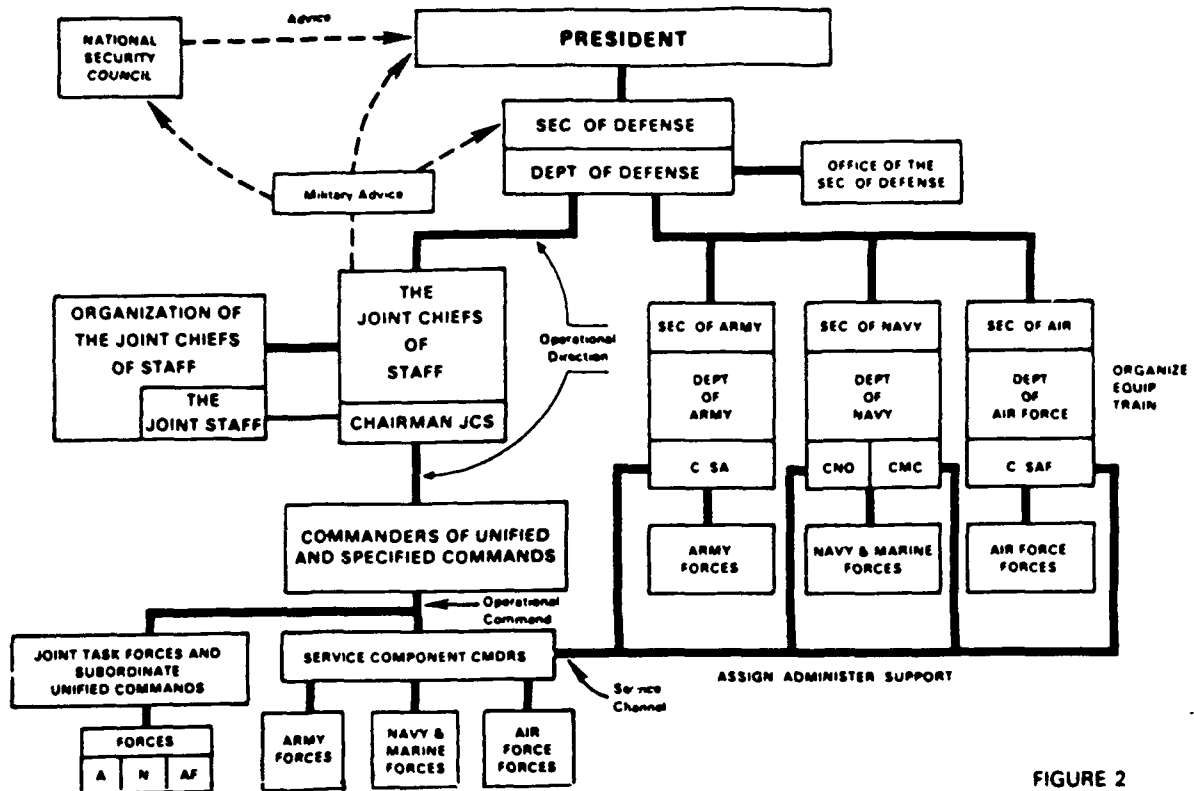


FIGURE 2

(Reprinted from AFSC Pub 1)

The outcome of these reforms was that the force was not truly Joint and the services dominated the commands through their component command's reliance on the parent service. In fact, the phrase used in the definition of his authority to command was "command through the component commands". This again shows that after over a decade of effort the United States still had not broken the individual services hold on the armed forces. Though some structural improvements had been made, the wider joint view of

warfighting was not the predominant view. Service rivalry and parochialism still dictated the way we approached national defense.

The period 1958-1982 was one of relative calm with regard to defense reform. There were internal efforts in the DOD, but they were not aimed directly at the jointness or unified forces issues. Notable among these was Secretary McNamara's introduction of the planning, programming, and budgeting system (PPBS) in the 1960's. The CINCs, however, had little influence in the system.

The period was also marked by the initiation of several studies which were conducted on DOD structure and function. There were also calls for reform, most from outside the DOD. One such study was undertaken by the DOD entitled "Defense Organizational Study of 1977-1980" (DOS 77-80). It found, among other things, that the unified command system, twenty two years after the last legislative reform, was still weak and in need of structural reform. It stated, in part, that the CINC had to fight with a force that in peace time he had limited influence over. The study maintained that there was a basic flaw in the system:

"The fundamental difficulty inherent in the organizational structure is service influence over the CINC's forces. The services not only train and equip the forces assigned to the component commands under each CINC, they also control the flow of resources to those commands. Thus the services have the major influence on

both structure and the readiness of the forces for which the CINC is responsible."20

The study further stated that there was some limited influence the CINCs could have by voicing concerns to the JCS but, the bottom line was, the individual service chiefs made the decisions for their forces assigned to the CINCs.21

There were many other studies conducted on the subjects of defense reform during the period. In fact, at least twenty studies and reports were written. They included: The Symington Study in 1960, the Fitzhugh Blue Ribbon Defense Report in 1970, the Steadman Committee Report on National Military Command Structure in 1978, General Jones' Reorganization Proposal in 1982, DOD Review of JCS Reorganizational Proposals of 1984, and the President's Blue Ribbon commission on Defense Management (Packard Commission) in 1986. Each of these pointed out real and perceived weaknesses in the warfighting capability of the United States.

The studies were not the only body of proof that was mounting to convince Congress and others that reform was necessary. There were several military operations conducted during this period that also demonstrated a need for reform. One of these was the USS Pueblo incident on 23 January 1968. This pointed out the inherent problems with the lack of a totally unified command structure. It was felt that had

such a structure been in place and reacted in a timely manner, the incident could have been avoided. Clearly there was a confused command structure below the combatant command level.

"...This lack of action, in turn, can be traced to problems with the US military command structure in the region....Specifically, the lack of unification at levels subordinate to the unified commander."22

A second operation undertaken during the period that highlighted system deficiencies was the Iran hostage rescue. This mission was planned in an ad hoc manner and had a questionable unified command structure among its faults. In addition, there were many charges that the parochial interests of the service played a part in the mission's failure. The charges were vigorously denied but the perception of reformers in and out of Congress was that parochialism did contribute to the failure. Finally, in the Grenada operation, considered by the military to be a success, there were shortcomings brought to light in the services' ability to work together in joint operations. The problems were real and prompted Senator Sam Nunn to comment about the operation on the floor of the US Senate, "...US Armed Forces have serious problems conducting joint operations."23

The combination of these operations and the studies put tremendous pressure on the Department of Defense to change.

It pointed out that the long sought ability to conduct joint operations was not a reality. The perception, and for the most part, the reality was that the services did not really want to work together. It was still felt that the primary focus for joint operations was the CINCs but, they continued to lack the authority to match their responsibility. The stage was set for the "close in battles" that led to passage of the Goldwater-Nichols Act.

Where did the CINCs stand in the early 1980's, at the beginning of the most recent efforts to improve the warfighting capability of the United States? The studies indicated change was necessary, operations were not going well. Generals Jones and Meyers had stated that these were problems in our military, and that structural changes were necessary. There was mounting pressure for change and the sensing was that meaningful change would not come from within the defense establishment or from executive order.

The reorganization effort was wide-ranging. Various bills introduced in both Houses covered virtually all aspects of the Defense Department operations. Most of the efforts recognized the need for an enhancement of the CINC's authority if there was any hope of improving joint operations. Numerous hearings were held and nearly one hundred witnesses were heard. A sense was emerging that there were several areas that needed to be addressed if a

more unified warfighting force, that could conduct Joint operations focused on mission accomplishment, was to be created. First was the authority of the CINC. Additionally, service parochialism needed to be curbed. Finally, there was the strengthening of the JCS Chairman's authority and position. Each of these was important but, the CINCs authority to discharge their responsibilities and influence the Department of Defense was the key.

The "close-in battle" for passage of the Goldwater-Nichols Act was a classic battle. The battle lines for the most part were drawn with the Potomac River as the separating line. The Department of Defense, led by Secretary Weinberger, the JCS, the Service Secretaries and their Chiefs, testified almost to a man that the legislation would seriously hamper our nation's defense effort. Their testimony at times was emotional. The DOD, including the JCS, lobbied hard against passage. The JCS was particularly concerned with provisions of the various bills that gave what they considered to be too much power to the CINCs. It was felt this would set up a power struggle between the powerful Chairman and the CINCs and severely hamper the service chiefs ability to function.²⁴

The other side of the battle line consisted of Congress, their staff, outside defense experts, and many former military and defense leaders who largely supported

the strengthening of the CINCs and the Chairman. The legislation was fought every step of the way by the Department of Defense and it is very likely that Goldwater-Nichols would not have emerged as what some have called the most significant reform legislation since 1947 if it had not been for three men. Although there were many people who played important roles, among them Generals Jones and Meyers, the fact remains that had it not been for Senator Barry Goldwater, Senator Sam Nunn, and the late Representative Bill Nichols, this legislation would not have ever been passed. Their presence in the Congress and their recognized defense expertise carried the battle through, over heavy opposition. The final push that made Goldwater-Nichols a reality was the Packard Commission report. This Presidential Blue Ribbon Panel's recommendations were for the most part in agreement with those in the legislation moving through Congress. The increase in the power and authority of the CINCs was seen in the report as a requirement for a more effective warfighting capability.

The feelings with regard to these reform efforts on the combatant commands were summed up by Senator Goldwater who stated in his closing remarks, while introducing the legislation in the Senate that:

"...for the first time, we have organizational arrangements that will lead to true unity of effort

in the Pentagon and in the warfighting commands in the field. Most importantly,....these new organization and command arrangements will enable young men and women who wear the American military uniform to accomplish their missions without unnecessary sacrifices or loss of life."25

The Defense Reorganization Act of 1986 was an important piece of legislation and it has had a significant effect on the way the Department of Defense operates. The primary focus of the Act is to improve the nation's warfighting ability and the primary focus within that area is enhancing the authority of the Chairman of the Joint Chiefs and giving authority to the combatant commanders to match their responsibilities. President Reagan, in his 26 April 1986 message to Congress, captured the thrust and intent of the legislation and his directives. He stated: "If our defense program is to achieve maximum effectiveness, it must be genuinely unified."26 He further clarified his point regarding the relationship between the individual services and a unified command structure by stating:

"Separate service responsibilities and activities must always be only the branches, not the central trunk of the national security tree. Unified effort is not only a prerequisite for successful command of military operations during wartime, today it is also indispensable for strategic planning and for effective direction of our defense program in peacetime."27

On the relationship of the National Command Authority and the CINC he stated:

"In providing for the timely and effective use of Armed Forces....our entire defense

establishment is focused on supporting this special relationship...All other aspects of our defense organization must be subordinate to this purpose."28

The law's intent in this area was clear. Joint operations under a strong unified commander was the way to insure a more effective and efficient warfighting capability. It recognized that the CINCs were the focal point of this effort and legislated the authority of a CINC in an attempt to match his responsibilities. Title II, Part B of the Act (PL99-433) became Chapter 6 of US Code Title 10. It lays out in great detail what authority Congress wanted the CINC to have. The law establishes a clear chain of command from the President through the Secretary of Defense to the CINC. It places the Chairman of the JCS (CJCS) in a role of communicator of directives. It appoints the CJCS to be the principal military advisor to the President. Further, it allows for the CJCS to supervise the CINCs when directed. However, it specifically states "such assignment does not confer any command authority on the Chairman". The Act also focused the power away from the service departments by directing that all "forces" be assigned to the combatant commands. It did allow for some forces to be retained under service control but these were for the functions of equipping, training, sustaining, etc. The intent was for the CINCs to control, on a daily basis, those forces necessary to accomplish their mission.

The law clearly places responsibility for mission accomplishment on the shoulders of the CINCs. It further directs them to communicate directly with the Secretary when they feel they have a problem with their ability to accomplish assigned missions. The intent here was to insure that the CINC was accountable for his actions. He could not maintain that he could not voice his concerns. The most extensive section in the chapter deals with the command authority of the CINC. Here, the Congress got very specific in directing the Secretary of Defense to insure that the definition of command included:

1. "Giving authoritative direction to subordinate commands...necessary to carry out missions assigned...including authoritative direction over all aspects of military operations, joint training, and logistics."
2. "Prescribe the chain of command to commands and forces within the command."
3. "Organize and employ the forces...as he considers necessary."
4. "Assign command functions to subordinate commanders"
5. "Coordinating and approving those aspects of

administration and support (including control of resources and equipment, internal organization and training) and discipline necessary to carry out missions...."

6. "Authority to select subordinate commanders and staff...suspending subordinates and court-martial authority over the force."29

The law continues on to state that the Secretary and the Chairman will do everything in their power to assist the CINCs in their missions. They must also conduct reviews to insure that the directives are being followed by the services, and the rest of the Department of Defense.

The Act, to emphasize the authority of the CINC, details his authority over the subordinate commanders, including the fact that they are subject to his authority alone in operational matters, and that should the CINC desire, he must be advised of all communications between the subordinates and their parent service, even those on matters outside the CINC's authority. Further, the law details that subordinates will not be selected or assigned without the CINC's concurrence, and that he will evaluate them and submit reports to the Service Secretary and the Chairman of the Joint Chiefs of Staff.

The Law is also quite specific as to what the services' roles are in support of the CINCs. Included in each services' section of the Law is a sentence that reads:

"The service will in carrying out the functions of (their department) so as to fulfill to the maximum extent practicable the current and future operational requirements of the unified and specified combatant commands." 30

The combatant commanders were also directed to submit separate budgets, however, there was a stipulation that the "Secretary of Defense (after consultation with the Chairman of the Joint Chiefs of Staff) would determine what would be appropriate". The intent was that each CINC would submit a separate budget requesting funding in "joint exercises", "force training", "contingencies", and "selected operations" as deemed appropriate by the CINC. This again was an attempt to give the CINCs greater control of their command by giving him greater resource allocation authority.

The Law also included a section which recommended the establishment of a Special Operations Command and a unified Transportation Command, among other revisions to the combatant commands, that should be looked at by the Secretary of Defense.

It is clear after reviewing the Act and reading the hearing transcripts that Congress, and the President to a lesser degree, were intent on forcing the Department of

Defense to change its way of doing business, with regard to warfighting. The focus was to be at the cutting edge, the combatant commands. Maximum effort was to be directed toward mission accomplishment. The traditional service rivalries were to be dampened, the forces were to be trained to fight jointly as a rule, and not as pure services. The efforts in the area of resource allocation and doctrine were to be aligned with this new focus. The Act attempted to legislate what reformers had dreamed of for at least forty years.

How has the Department of Defense done in implementation of those sections in the Goldwater-Nichols Act that relate to the combatant commands? Do the CINCs have the authority that the Act intended? Is the intent being circumvented? Where do we stand today, four and a half years after the passage of PL 99-433?

The change that was directed was a change in the fundamental way of doing business in the Department of Defense. It should be noted that the Act and the process that led to its passage have put visibility on the inner workings of the services and the defense establishment at large. This has allowed the elements that were for change to gain exposure.

Four and a half years is still rather a short period of time to overcome two hundred years of military culture, service parochialism, and an entrenched bureaucracy that had a different method of executing defense policy. There was a service oriented culture that Goldwater-Nichols sought to reorient. It should be noted that other actions, most notably the Packard Commission Report which promogated NSDD 219, a directive that by executive decree mandated change in the operations of the Department of Defense, was given impetus by the reform act process. Additionally, there were reforms initiated prior to the passage of the Act that were brought about as a reaction to its anticipated passage. The conclusion is that there currently exists an environment of change that was fostered not only by the actual Act but by the whole process that led to the Act's passage.

Assessing the impact of the Act on the CINCs authority and his ability to enhance his warfighting capability is complex. It requires a look at several areas within the DOD that the Act dealt with. They include: the enhanced authority of the Secretary of Defense and the CJCS, the changes in regulations and directives, the planning, programming, and budgeting system, and the training and doctrine development process.

The CINC's authority has grown due to the Act's specific treatment of the Secretary of Defense and the CJCS.

They have been given direct guidance by Congress to insure that the CINCs are afforded the authority to do their jobs. Additionally, they are specifically directed to review and evaluate the CINC's ability to accomplish his assigned missions. In this area there are some questions. The feeling was that there is one person that has the power, under the Act, to insure that the CINCs have not only the appropriate authority to match their responsibilities but the capacity. Capacity is defined as the "means to accomplish assigned missions".³¹ The Secretary is the one person, under the President, who has total command of the force, both from the service department side and the combatant command. This is in place in the Act. In this respect the CINCs have gained under the Act. The Secretary is using this power. However, the evaluation is that more could be done.³² The current Secretary seems to be using his authority to fully back the CENTCOM Commander in the prosecution of the war in Southwest Asia. Open sources indicate that, in this instance, the CINC is receiving the full measure of support to give him the kind of authority the Act intended. This of course is a war situation. It does however prove that the law gives those concerned the ability to carry out its intent. The question is in a peace time situation is the CINC receiving the same support? The answer appears to be a little less clear. The Secretary has given greater emphasis to the needs of the CINCs. He has

backed them on a number of occasions, but it appears not to the extent he has in a wartime situation.

The CINCs, as stated earlier, have several aspects to their power which directly reflect on their ability to carry out assigned missions. They are responsibility, accountability, authority, and capacity. In a recent article by Retired LTG John Cushman they were rated as to how they were delineated before and after Goldwater-Nichols. His results were:³³

<u>Functions</u>	<u>Before G-N</u>	<u>After G-N</u>
Responsibility	Could only be inferred	Stated explicitly and clearly
Accountability	Implied only	Explicit
Authority	Not mentioned	Explicit, strong
Capacity	Not mentioned	Spelled out in some specifics

Clearly, from a statutory point of view, the CINC is stronger today than prior to the Act.

In response to Goldwater-Nichols the definition of command for a CINC was changed. In Joint Pub 0-2 it has changed from OPCON (Operational Command) to a CINC unique COCOM (Combatant Command). This was not merely a name change. Although the two read similarly there are three important exceptions. COCOM expands "composition of subordinate forces" with the phrase "involving, organizing,

and employing commands and forces." Further, the pre-Act definition states that authority over administration, discipline, internal organization, and unit training was not included in the CINC's command authority. COCOM deletes that phrase and gives the CINC "authoritative direction over all aspects of military operations, joint training and logistics necessary to accomplish missions assigned to the command". Finally, to emphasize the weight of COCOM, the sentence "COCOM furnishes full authority to organize and employ command and forces as the CINC considers necessary to accomplish assigned missions" is added. It is clear that the authority now given the CINC as expressed in the definition of his command authority is in line with the Act's intent. Another document that has changed to reflect the new status of the CINC is DOD Directive 5100.1. The function of the CINC as delineated in the Law are outlined verbatim in DOD Directive 5100.1 (Functions of the Department of Defense and its Major Agencies). This provides another documented source of the CINC's authority. It appears that on a JCS and DOD level the CINC has the Act's intent imbedded in the proper documents.

How, in practice, does the CINC's authority match the law's intent? The law envisioned a CINC having almost total control of all services assigned to him, and if he were given a geographical area of responsibility he would control

all forces that entered into his area, either land, sea, or air. The CINC would also have tremendous influence in the resources necessary to accomplish his mission. One way he would be able to influence his resources was through the submission of a budget, that would provide his funds for such activities at "joint exercises, force training, contingencies, and other operations as appropriate".

The current unified command plan (Fig. 3) recognizes ten CINC's: eight unified and two specified. Five of the eight unified commands, CINCLANT, CINCPAC, CINCENT, CINCEUR, and CINC SOUTH, are geographical commands. The remaining three CINCSOC, CINC TRANS, and CINC SPACE are supporting CINC's. CINC FORSCOM is the remaining supporting CINC and CINCSAC is the other specified command, he has the Air Force portion of the nuclear retaliatory forces. The law requires that all forces, except a small force for service related functions, i.e. Basic Training and Recruiting, be assigned to a CINC. This has in fact happened. However, the intent of the Law was circumvented. The Law envisioned forces assigned to the warfighting CINC's ready and free to participate in joint training and exercises. This is not always the case: The Naval forces are for the most part kept under naval command. An example is CINCLANT, he is the Naval Component Commander for CINCSOUTH. CINCPAC, an Admiral, has the bulk of the remaining naval forces assigned

The map illustrates the geographic areas of responsibility for the United States Pacific Command (USPACOM) and its subordinate commands. The map is divided into regions by vertical lines at 92°W and 17°E. The regions are labeled with command names: USPACOM (Arctic Ocean, Pacific Ocean, Indian Ocean), USLANTCOM (Atlantic Ocean), USSOUTHCOM (Atlantic Ocean), USEUCOM (Atlantic Ocean), JCS (Atlantic Ocean), and USCENTCOM (Indian Ocean). The map also shows the outlines of the continents and the Arctic and Pacific Oceans.

to his command. The Army has the bulk of its CONUS forces assigned to a specified command, CINC Forces Command. The CINCENT and CINC SOUTH do not command these forces on a daily basis. Additionally, CINCENT's Army Component Commander (ARCENT) is Third US Army. This Headquarters was severely understaffed and was under great stress in the initial stages of the Desert Shield deployment. The forces of ARCENT did not answer on a daily basis to Third Army but to Forces Command. Another example is in the Air Force. The Tactical Air Command (TAC) is assigned to Headquarters, Department of the Air Force. TAC has "OPCON" of virtually all tactical air assets in the continental United States in peacetime. The forces have however "assignments" to CINCCENT, CINCLANT, CINCENR, and CINCSOUTH. But, the commanders answer on a daily basis, to Commander TAC, not the CINCs. It appears that the letter of the law is being followed, but to varying degrees, the intent is not. Each service can articulate reasons for its interpretations and the assignment relationships but the fact remains that the Act intended to break down this pure service system. As stated earlier, the change is a cultural one and will not come over night. This system of force assignment hinders CINCs in their ability to be totally ready. It appears that what the services have done is assigned the bulk of their forces to CINC's of the same uniformed service or assigned them in name only to a CINC and retain control under a

service command. This appears to violate the spirit of the law.

The Act has had positive impact on some areas. The CINCs are, for the most part, in control of the forces that operate in their area of operations (AOR). There is still some question of responsibility when ocean areas are adjacent to a non-Naval CINC's AOR, but, as in CENTCOM, these problems can be resolved. There still remains a fundamental difference in how the Navy and the law view this area. Another area that shows the increased authority of the CINCs is the control over subordinates. The CINCs do have a much stronger voice in who works for them. They are being given the right of refusal over component commanders.

One example of inter-service cooperation that probably would not have been possible pre Goldwater-Nichols is the CENTCOM air operations in Desert Storm. This appears to be working smoothly with all services operations working from a single air-tasking order, prepared by the air component commander.³⁴ (Fig. 4) The basic doctrines of the services have not changed but they are making it work as the law envisioned.

The area of greatest impact to date is that of resource allocation. The CINCs enjoy an increased amount of influence in the area of resources. They have been given

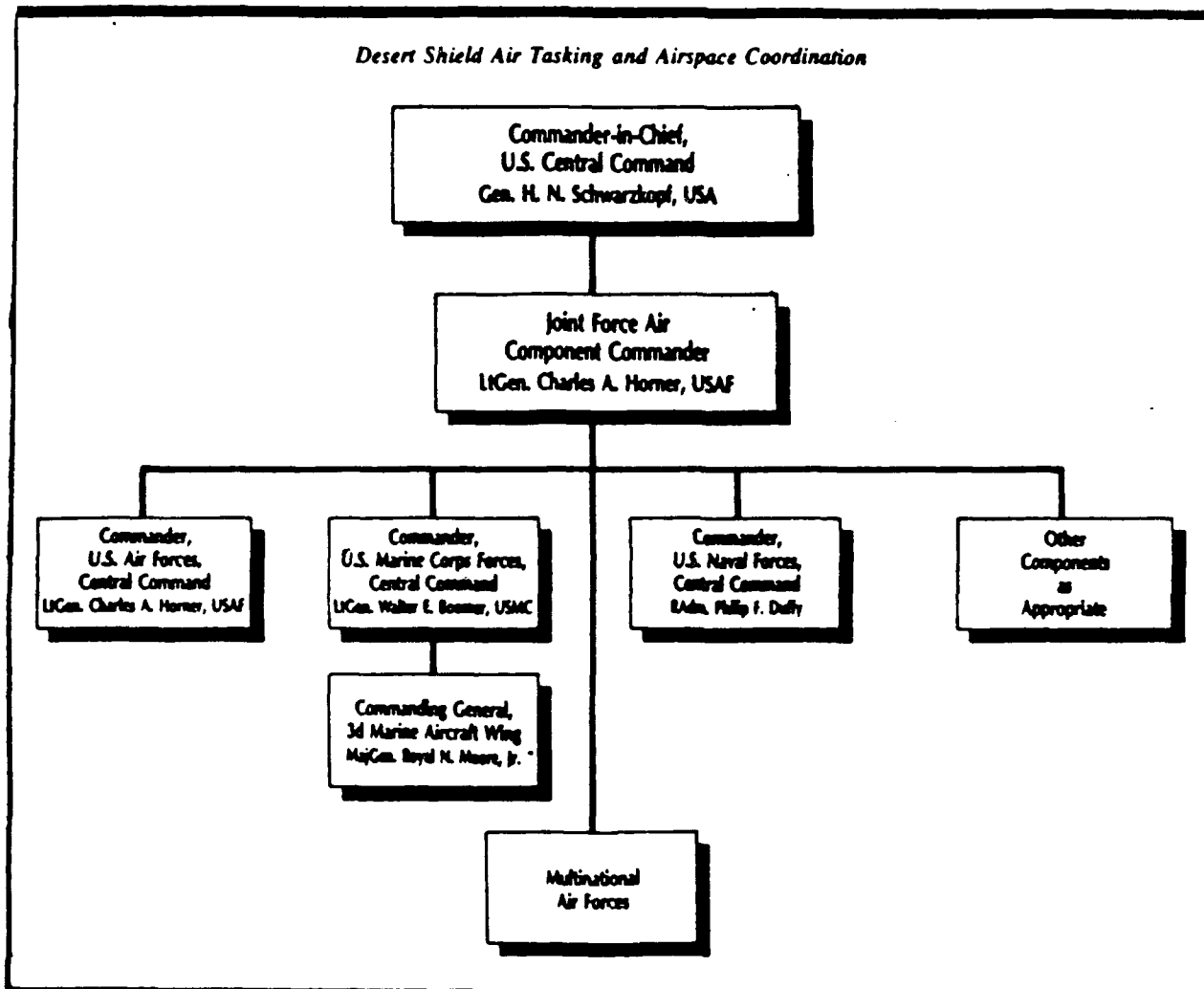


FIG 4

entry into the PPBS System since the early 1980's. However, according to a recent GAO report the CINCs "participation in the resource allocation process has continued to increase since Congress passed the Reorganization Act".³⁵ In fact, DOD 7045.7, "Implementation of the PPBS", was amended 9 April 1987 to address CINC participation. The CINCs have several chances to impact the process and let their desires be known at all levels. There are no less than nine such input occasions:

- Joint Strategic Planning Document
- Integrated Priority List (IPL)
- Defense Planning Guidance (DPG)
- Defense Planning and Resources Board Consideration of DPG
- Input to service POMS
- Issue paper cycle
- DRB consideration of POMS
- Dep Secretary of Defense consideration of program execution
- CJCS/CINC Congressional testimony

The CINC is in personal attendance at several of these occasions.

The report of the GAO also noted that the CINCs extensively used the DOD management systems, both the Joint Strategic Planning System and the PPBS, to exchange

Information.³⁶ They do get adequate input opportunities during the planning programming phases. The CINCs impact during budgeting is generally through the CJCS because of input suspense during the reviews.³⁷ On the whole, the CINCs' access and impact on resource allocation appears to be on track. The fact that they have such good access to the system is cited by the Government Accounting Office as one of the reasons the CINCs feel they do not need separate budgets, as the law allows. The exception is CINCSOC, who by law must submit a budget. The CINCSOC's budget is five billion plus dollars and includes funding for the training and equipping of special operations forces from all services. There are still areas not included that need work such as Base Ops and some naval forces. There are two other reasons for the CINCs reluctance to take on the task of preparing a full-up budget. One is the lack of adequate staff.³⁸ The other is the lack of presence in the Washington, DC area. The CINCs would require a staff present "on the ground" in the capital area to defend their budgets on a daily basis both in DOD and on the "Hill". The nature of the US budget process demands this. The assessment is that the CINCs do not need to have actual separate budgets but instead their needs should be the driving force in the DOD budget. The change required here is for the CINCs to project out to the future. A balance needs to be struck between the long range outlooks the

services tend to take and the relatively shorter range outlook of the warfighting CINC, who is concerned with mission accomplishment today. This does not require an overhaul of the PPBS system but a new approach to the process that keeps the long and short range needs in perspective. The key players in making this adjustment are the CJCS, the Secretary of Defense, and the Congressional Committees concerned. They can insure that, even though the CINCs rely on the components for their major force dollars, their budget requirements will be met. The CINCs also can communicate directly with the Secretary of Defense if they feel they are not getting the necessary support. This is written into the law to avoid the CINC's saying he had no recourse. The CINCs own budgets should be concerned with the joint training, exercises, and related areas.

The impact of Goldwater-Nichols on the CINC and his authority has been great. The assessment to this point is however, mixed. It is true that the authority of the CINC to take total responsibility for his assigned missions has been increased. There are still problems. The service influence is still great. The old barriers have not been broken down completely yet, but there is no denying that the CINCs are listened to. Besides their increased participation in the PPBS process they are called to

Congress to testify on all aspects of the military and DOD affairs.

There are many areas where improvements can and will be made. The education system that the Act put into place is increasing the joint knowledge among services. This and the increased emphasis on quality officers on joint staffs is having an increasing positive effect on the CINCs ability to accomplish the mission. The doctrine for joint operations is coming on line and the CINCs will benefit from it, though it is still in the future. The JCS doctrine is written in several key areas. The services however, have not as yet approved the doctrine and aligned their internal doctrine to match. The services, though they approve the joint doctrine, do not as yet have their internal doctrine publication in line with it. This alignment will be a long time in coming. There appears to be a reluctance on the services part to integrate ideas that did not originate from within. The Air Force and the Navy, for example, have a fundamental doctrinal disagreement on how to employ air assets. They have an agreement but they resist change to a common doctrine. What is the correct doctrine? I don't know but the services need to open up to new ideas and think through these areas. The Chairman, as senior military leader, can use his authority to force this to occur. The

timeline is long and only the preliminary steps have been taken.

The whole environment created by the Goldwater-Nichols Act is having a positive effect on the combatant commanders. The process, as always, is evolutionary and it is evolving closer to the intent of the Law. There are problems but what is necessary is not to change the Law. A recent study by the Center for Strategic and International Studies concluded that the "law gave the appropriate authority" to carry out its intent. The problem was that the Secretary of Defense, CJCS, and the CINCs needed to exert some aggressive authority to make changes happen.³⁹

What about the future? The reform continuum is still moving. There are some difficult questions to resolve as the Department of Defense moves toward reductions in force levels and dollars. Is there redundancy in the forces? Would an enlarged Marine Corps Force coupled with the improved air power be able to deter regional aggression? Should, on the other hand, the Army have the Marine role? Where is it written in stone that the Navy is the only service that can operate sea going vessels? If the CINC of the Transportation Command is truly to be in charge why not give him the staff and "command" of MTMC and the Naval Sealift Command? Should there be a Forces Command or should all the Army's forces have a primary assignment to a CINC

and if there is a secondary assignment let the "commanding" CINC insure they are trained and ready to do either mission. Does the way Naval forces are assigned really promote readiness or is it more traditional and convenient?

There are many questions that need to be looked at if the US is to maintain its world super power status as we move into the 21st Century. What is required are innovative thinkers who are solidly schooled in their craft to break the existing paradigm if necessary and move defense reform to the next step in the evolutionary process.

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