DOD (Bob McRoy)

Unintended Consequences of the Goldwater-Nichols Act

By CHRISTOPHER M. BOURNE

The tenth anniversary of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 focused attention largely on that law's most apparent and positive aspects. Much good has derived from it. The Nation has enjoyed a string of successes in war and in military operations other than war. The law increased cooperation and interoperability among the services, improved professional military education, and unified the national military command structure.

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Reforms mandated under Goldwater-Nichols fundamentally altered relationships between the services and joint system and between civilian and military sides of the defense establishment. Some insist the law did not go far enough and they therefore advocate additional reforms. In certain respects they may be correct. However, in one area the reforms may have already gone too far. As we advance into the second decade of the Goldwater-Nichols era and consider what further changes in defense organization are needed, we must be careful not to upset the delicate balance implicit in civilian control of the military.

The supremacy of elected officials has always underpinned U.S. civil-military relations and yet

this tradition is eroding fast. Ironically, diminished civilian control stems not from the threat of the man on horseback nor from a defeat on the battlefield. Instead, the reforms enacted in 1986 have undermined relations between the soldier and the state. Goldwater-Nichols legislated sweeping changes intended to rectify the strategic failures of the Vietnam conflict and the lack of service cooperation. The implications of those changes have gone unnoticed in the afterglow of the Gulf War. Their net effect, however, has been to reverse our long national tradition of civilian control over the military. In the process it gave inordinate political power to the military by elevating the Chairman of the Joint Chiefs of Staff almost to the level of his nominal superior, the Secretary of Defense, thereby jeopardizing civilian control.

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When the Senate Armed Services Committee held its first hearings to consider reorganizing the Pentagon in July 1983, Senator Barry Goldwater opened the proceedings thus:

The question is, can we, as a country, any longer afford a 207-year-old concept that in military matters the civilian is supreme? Now, I realize the sanctity of the idea of the civilian being supreme. It is a beautiful thing to think about. The question in my mind is, can we any longer afford to allow the expertise of [professional military] *men and women . . . to be set aside for the decisions of the civilians whose decisions have not been wrapped in war*[?] *We lost in Korea, no question about that, because we did not let the military leadership exercise military judgment. We lost in Vietnam. . . . If that is the way we are going to do it in the future, I think we are in trouble.*[1]

Goldwater's assertion should give every officer pause; it stood the common perception of civil-military relations on its head and set the tone of the debate. Many did not recognize the nature of the issues at the time, but the law basically altered civil-military relations. While the operational performance of the Armed Forces and the bureaucratic efficiency of DOD have improved, some of the law's provisions have overcompensated for the inadequacies of earlier defense reorganizations. They invest inordinate authority in a single military officer and his staff while reducing the checks and balances within and between the executive and legislative branches.

In practice, Goldwater-Nichols empowered the Chairman to act as the de facto equal of the Secretary of Defense and de facto commander of the Armed Forces; it empowered military officers to formulate and influence policy far outside their proper sphere; and while expressly stating its intent to the contrary, it took a long step toward creating a joint general staff. Intending to improve effectiveness but not comprehending fully the complex interrelationships that effect civilian control, Congress failed to provide for the common defense with an establishment that reflects the basic values of American government.

What Is Control?

Americans have long invoked the phrase *civilian control of the military* but usually fail to define or grasp it. The Constitution, which was written when the Army consisted of an ill-trained militia that was pressed into service for emergencies, does not address the relationship directly. Civilian control was moot—the military was civilian itself. The Founding Fathers ensured a separation and wide dispersal of powers. In that vein, they designated the President as Commander in Chief of the Army and Navy but gave Congress the authority

to declare war . . . to raise and support armies . . . to provide and maintain a navy; to make rules for the government and regulation of the land and naval forces; to make all laws which shall be necessary and proper for carrying into execution the foregoing powers. . . .

The framers of the Constitution granted the office of Commander in Chief to the President rather than the function of commander, allowing him to order the forces provided by Congress but not to determine their size or composition. They intended that the President should not enjoy the political and military powers of a European ruler and observed George Mason's warning that the purse and sword should not fall into the same hands. However, such provisions ensured a continuing controversy with respect to civilian control. The Constitution precludes the extremes of regimes where no civilian control exists, as in military dictatorships—or where civilian control is total, like Russia under Stalin; but it fails to specify where the authority of the Commander in Chief ends and that of Congress begins. The executive and legislature have struggled since the founding of the Republic over the limits imposed on their respective authority. This controversy has enmeshed the Joint Chiefs of Staff since their inception during World War II.

To understand the dynamics of the interface between civilians and soldiers, one must define civilian control. Samuel Huntington has identified two types, subjective and objective. Under the former, the military becomes an instrument

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55th Signal Company (Kyle Davis)

of a particular civilian group or branch of government. It assumes participation by the military in institutional, class, and constitutional politics. Soldiers become part of the political system, and civilian groups seek to control them in order to exert influence over national strategy. The constant struggle between the President and Congress over dominion of the military is really a matter of subjective control.

Objective control seeks to maximize the professionalism of the military. It became a possibility in the United States with the advent of a professional army in the early 19th century. According to Huntington:

Civilian control in the objective sense is the maximizing of military professionalism. More precisely, it is that distribution of political power between military and civilian groups which is most conducive to the emergence of professional attitudes and behavior among the members of the officer corps. Objective civilian control is thus directly opposed to subjective civilian control. Subjective civilian control achieves its end by civilianizing the military, making them the mirror of the state. Objective civilian control achieves its end by militarizing the military, making them the tool of the state. . . . The antithesis of objective civilian control is military participation in politics: civilian control decreases as the military become progressively involved in institutional, class, and constitutional politics.[2]

Civilian control in America is not particularly concerned with intervention by the military in politics. While not impossible, a coup is unlikely given the tradition of subordination to civilian authority. The issue is more subtle. On the one hand, it involves the separation of powers, which demands dispersed authority among and within the branches of government (although that causes inefficiencies in decisionmaking). On the other hand, civilian control produces tension between the executive branch, with its definition of authority over military policy, and the legislature, with its concept of constitutional duty to raise and support armies and provide and maintain a navy.

Tension also exists between civilian decisionmakers and military leaders. Although bound by a long heritage of subordination to civilian authority and a desire to remain neutral in the contest between the executive and legislature, senior officers nonetheless attempt to both define a military sphere of decisionmaking and limit involvement by civilian officials in it. Central to this dynamic is

the fact that the Constitution neither specifically mentions nor explicitly codifies civilian control (although it can be derived from the command relationships under Title 10). The idea began with George Washington's consistent efforts to subordinate his forces to the Continental Congress.

Each DOD reorganization has had civilian control as its subtext. The National Security Act of 1947 shifted power from the President toward Congress while the advent of JCS as a separate locus of power capable of influencing political decisions moved the Armed Forces toward more subjective control. Amendments to the National Security Act in 1949, 1953, and 1958 gradually shifted the balance to the executive by empowering the Secretary of Defense while the military, through the growing influence of JCS, accrued political power and moved farther from objective control. Goldwater-Nichols is the latest reform which sought to shift the balance away from the executive, hence Goldwater's interrogative.

Although imperfect, the National Security Act of 1947 struck a balance between the unified command of the Armed Forces to achieve military success, the unified direction of DOD necessary for budgetary efficiency, and the separation of powers demanded by the Constitution. The result of reforms in 1949, 1953, and 1958 concentrated authority within the Office of the Secretary of Defense to improve bureaucratic efficiency. A rapid succession of short-tenure Secretaries during that period ensured that no one could fully grasp the dynamics of reform. Robert McNamara was the first to wield the enormous authority that had accrued to the Office of the Secretary of Defense, which made him responsible for strategic planning and operational direction of forces.

Whirlwind DOD reorganization, whereby the largest bureaucracy in the world was formed and reformed three times from 1947 to 1958, resulted in a command structure that marginalized the judgment of senior officers. In 1965, for example, prior to the critical decision to send ground forces to Vietnam, JCS met with the President only twice.[3] McNamara disregarded military advice and closely directed the war himself. The Joint Chiefs disagreed with operational directions from the National Command Authorities (NCA), but the National Security Act as amended provided few checks against a strong-willed Secretary ignoring or suppressing their advice.

Presidents Truman and Eisenhower thought that their amendments to the National Security Act improved civilian control by empowering the Secretary. But the unintended consequence was grossly distorted civilian control. Thus it is easy to appreciate Goldwater's question, "can we, as a country, any longer afford a 207-year-old concept that in military matters the civilian is supreme?"

Misguided Solution

In the early 1980s, hoping to mitigate the consequences of the amended National Security Act but failing to comprehend the root cause of those consequences, Congress pressed for change. Reform-minded academics and officers who also misunderstood the problem supported the effort, seizing on widely publicized acquisition scandals and high visibility anecdotal "evidence" (much of it ultimately untrue or unrelated to the central issues) from contemporaneous debacles in Iran, Grenada, and Lebanon. Their intent was to alter the authority of the Secretary and the manner in which both JCS and the Joint Staff operated.

However, Goldwater-Nichols failed in its objectives of strengthening civilian authority and improving military advice to the President. First, organizations do not always function in practice like they do on paper. Under Goldwater-Nichols the civilian side of DOD is demonstrably weaker than the military. Second, the criticism that the most significant military advice concerning the use of force given to the President, National Security Council, and Secretary of Defense was of poor quality or late is not entirely supported by the facts. The use of military force from the Bay of Pigs to Beirut shows that the President often does not accept JCS advice when it conflicts with his chosen course. While accepting or rejecting advice is the prerogative of the White House, criticism of its quality was "in many cases a euphemism for 'news [the President] didn't want to hear.'"[4]

Civilian Control

The basic changes which Goldwater-Nichols made in the relationships between key players in the national military command structure have profoundly affected civilian control. The national security responsibilities of the President and Congress assigned by the Constitution and codified in laws are purposely broad and unrestricted. Congress has historically felt that the President should use almost any legal means and organizational scheme he deems necessary to perform his duties as Commander in Chief. Likewise Congress, in executing its duties to raise and support armies and provide and maintain a navy, is restricted only by the legality of its actions. The Constitution has stood for two centuries precisely because it flexibly applies simple concepts such as the separation of powers and pluralism to complex problems.

As Commander in Chief, and responsible to the people for national security, the President should not be bound by laws that intrude on his constitutional role. But Goldwater-Nichols does

just that by prescribing how to organize the military, communicate with subordinates, and consult in developing implementing orders and directives and by dictating who to appoint as subordinate commanders. Any military commander similarly restricted would be a commander in name only.

Other Goldwater-Nichols provisions more directly damage civilian control. By making the Chairman the principal military advisor to the President and giving him control of the Joint Staff, Goldwater-Nichols created a de facto national general staff. The consequences of such a structure on civilian authority are disturbing. The duties of the Commander in Chief demand that he receive a range of alternatives when confronted with matters of national security. Limiting the diversity of advice offered to responsible civilian authority facilitates decisionmaking but reduces the practical exercise of civilian control.

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Provisions concerning the relative authority of the Secretary, Chairman, and Joint Staff are equally damaging. The Secretary's overall charge has remained unchanged since the inception of that position in 1947, but Goldwater-Nichols dramatically reduced the secretariat and transferred several key functions to the Chairman. The Secretary is now largely limited to formulating general defense policy. The *Organization and Functions Guidebook* lists his duties as "the formulation of general defense policy and policy related to all matters of direct and primary concern to the DOD, and . . . execution of approved policy." Goldwater-Nichols made the Chairman responsible for strategic direction; strategic planning; contingency planning; requirements, programs, and budget; doctrine, training, and education; and roles and missions. In other words, he is responsible for the most important decisions relating to national security.

Some assert that in carrying out those functions, the Chairman is "subject to the authority, direction, and control of the President and the Secretary of Defense" (10 U.S.C. 153) and that he only makes recommendations to them. While this is correct, one can easily agree with Secretary of Defense Les Aspin's assertion that in bureaucratic decisionmaking "the side capable of making the best arguments will normally prevail."[5] Compared to their civilian counterparts within DOD and the various congressional committees which oversee that department, the Joint Staff is supremely capable of "making the best arguments." It can provide unified proposals in response to particular issues, though those secretariats and congressional committees are more fractured. As in combat, the side capable of coherent effort will almost invariably succeed over a disjointed opponent.

The Commission on Roles and Missions of the Armed Forces, after examining the quality of civilians within DOD, found that "political appointees in [the Office of the Secretary of Defense] and in the military department staffs often lack the experience and expertise in national security and military strategy, operations, budgeting, etc. required by the positions they fill."[6] The short tenure of appointees and the effects of the ethics reforms intended to prevent officials from profiting from their contacts once they return to the private sector has exacerbated the advantage of the Joint Staff. According to Aspin:

There's been a shift in the quality of people working on the military versus the civilian side. Because of Goldwater-Nichols, the quality on the military side has gone up tremendously, where the reverse has happened on the civilian side. Revolving-door restrictions have made government service so unattractive that the pool from which you can pick political appointees is not as rich as it once was.[7]

As a result, the Chairman is responsible for establishing major national security policies and has sole authority over a military staff that is far more effective than its civilian counterpart.

The law also cut the service chiefs out of decisionmaking. Now only the Chairman serves as the "principal military advisor to the President, the National Security Council, and the Secretary" (10 U.S.C. 153). In the past the Joint Chiefs as a body performed that function. To tolerate other viewpoints, the law permits a member of JCS who disagrees with the Chairman to submit separate advice, and the President, National Security Council, or Secretary may request dissenting views. Once again, however, those familiar with bureaucratic processes and organizational dynamics will understand that a dissenting member could present a divergent position to the National Command Authorities (on his own initiative or by request) perhaps once or twice during his tenure and remain effective. Thus Goldwater-Nichols inhibits dissent and undercuts the system of providing multiple sources of advice to responsible authorities. Moreover, the law reinforces that effect by enabling the Chairman to control JCS meeting agendas and thus the issues considered by the Joint Chiefs.

Goldwater-Nichols has also given the Chairman direct influence in the chain of command. While not literally in the chain, he is the first

military officer below NCA, and the act of receiving political directions, translating them into operational orders, and transmitting them to CINCs imparts a degree of command authority. That authority derives from the President and Secretary and is informal, not statutory; yet it is real. If the Chairman is to have credibility that authority must exist—otherwise commanders could circumvent orders with which they disagree and go directly to the national level as General Douglas MacArthur attempted to do in 1951. The JCS role in MacArthur's relief is one example of that informal command authority, and now the Chairman alone exercises it.

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Despite congressional intent that it "not operate or be organized as an overall Armed Forces general staff," the Joint Staff has come to resemble one. A general staff is characterized by:

a single national chief of staff with command authority over the military forces of the Nation, as well as personal control over an independent general staff . . . comprised of elite career staff officers possessing intermittent experience with the operational aspects of military endeavor. Their influence and authority supersede the services as well as the field commands, and provide the principal source of recommendations and advice to the national chief of staff as principal advisor to politically responsible authority.[8]

The transformation was inevitable given that Goldwater-Nichols reduced the staff of the Secretary without abolishing corresponding functions. Wherever a vacuum has emerged the Joint Staff has intervened. It has even come to influence resource decisions—like the German general staff.

Taken together, the effect of the Goldwater-Nichols Act on the Secretary and Chairman has resulted in a decisionmaking structure that mirrors that of the Vietnam War but with one difference. During that conflict, the amended National Security Act empowered the Secretary and his assistants to exclude the expertise of senior military officers. Similarly, Goldwater-Nichols empowered the Chairman to minimize participation in deliberative decisionmaking on the national level. The root of the problem is the same; only the attire of the players has changed. Combining the power of the Chairman with the relative effectiveness of the Joint Staff versus its civilian counterpart sets all the conditions for military usurpation of civilian decisionmaking authority.

National Security Decisionmaking

Ferdinand Eberstadt, Chairman of a task force that studied reorganization in the late 1940s, summed up the motives for unifying the Joint Chiefs (as Goldwater-Nichols did) and its dangers: "Whenever there are strong differences of opinion or difficult problems, there is a human tendency to seek the one-man solution. Our generation has had painful opportunity to observe the dangers of this course."[9] The arguments in favor of unifying JCS under a powerful Chairman are myriad but come down to efficiency. Yet calls for a more simplified command structure fail to distinguish between decisions on the operational and tactical levels versus the strategic level. A staff enables the commander to reach decisions and act quickly. Its "principal faculty is the swift suppression, at each level of consideration, of alternative courses of action, so that the man at the top has only to approve or disapprove—but not to weigh alternatives."[10] This works well on the battlefield but is altogether inappropriate at higher levels.

Commanders can usually correct tactical and operational mistakes before they affect the outcome of a campaign or war. But strategic level errors—fundamental mistakes in force structure and national objectives—are usually irreversible and often fatal. Blunders on that level can affect millions of people for generations as did the Vietnam War. National decisionmakers must consider differing views that are only available from those familiar with the issues. At the interface between national policy and military action that means the Joint Chiefs. Such deliberative decisionmaking frustrates those who favor simple answers to complex questions, but strategic level questions offer no easy answers. Rather, "at the top levels of government . . . a deliberate decision is infinitely preferable to a bad decision."[11]

Some decry the fact that JCS deliberations can result in split decisions, but such decisions should signal that a responsible civilian ought to resolve the issue. For Eberstadt, a split decision "would normally imply that the issue is beyond solution by the resources of military technology and experience and is, therefore, within the competence of civilian judgment and authority."[12] When the recommendations of the Joint Chiefs diverge, particularly when the Nation is threatened, then it is clearly the responsibility of NCA and Congress, as political authorities, to decide.

Proponents of Goldwater-Nichols also argued that it was necessary to eliminate interservice rivalry and force interservice cooperation. They pointed to failures in the Iranian desert and Beirut and to operational difficulties in Grenada as reasons for unification. They appealed to an assertion by Eisenhower that "separate ground, sea,

Cohen, Gore, Shelton, and Hamre.

DOD (Helene C. Stikkel)

Reagan, Carlucci, and Crowe.

DOD

and air warfare is gone forever." But unified action has been a guiding principle and challenge for commanders since the Peloponnesian War. It is also irrelevant to the issue of military decision-making at the seat of government. Joint interoperability and the deliberative direction of national strategy are not necessarily related.

The Test of War

Some saw the Gulf War as a vindication of Goldwater-Nichols reforms. On the contrary, it exposed flaws in the national command structure. First, the law would have precluded civilian authorities from playing a part in military decisionmaking and shielded the theater commander from the inputs of DOD officials and staff officers. But the brilliant operational maneuver to envelop the Republican Guard was originally conceived by an assistant to the Secretary of Defense, a civilian who might once have been derided as a "whiz kid."

Second, throughout the conflict the theater commander failed to grasp the political impact of Scud attacks on Israel as opposed to their military significance. He was loath to allocate scarce assets to defend against them. The Chairman, nominally precluded from anything but transmitting NCA-approved orders, intervened and sent Patriot batteries to Israel.

Finally, the theater commander's staff failed early on to develop a plan to capitalize on the overwhelming American (and later coalition) airpower. The plan that emerged was not developed by the combatant commander's staff as called for by Goldwater-Nichols but by those most expert in employing airpower, the Air Staff—a service staff under the cognizance of the Nation's most experienced military aviator, the Chief of Staff of the Air Force.[13]

The above examples are not intended as criticisms of any individual. Rather, they illustrate that warfighting, particularly as conducted by the United States, is a vast and complex undertaking, and its direction exceeds the abilities of individuals or small groups. Desert Shield/Desert Storm succeeded in part because NCA and DOD ignored the constrained operational command structure instituted by Goldwater-Nichols.

Fortunately, in the Gulf War NCA could disregard the relationships dictated by Goldwater-Nichols. As a brief crisis in which decision cycles were short, it was simple to recognize problems and remedy them. In the strategic matters that same command structure addresses, decision cycles are much longer and conceptual failures will take more time to become apparent. During the Gulf War it was relatively easy for the Secretary

Bush, Cheney, and Powell.

DOD (R.D. Ward)

and Chairman to know when things went wrong and correct them; in strategic matters NCA and the American people might not realize that a particular policy is misguided until it is too late.

Unintended Consequences

One aim of Goldwater-Nichols was to ensure that those responsible for national security on the strategic and operational levels have commensurate authority to implement their decisions; thus the furor over ensuring that the regional CINCs had sufficient command authority over the forces assigned to them. The service chiefs similarly struggle to balance their Title 10 responsibilities to provide forces to CINCs with the authority to organize, train, and equip those forces. A mismatch between responsibility and authority on either the CINC or service chief level clearly degrades the outcome of their respective efforts.

Some claim that Goldwater-Nichols resolved the apparent conflict of interest caused by the simultaneous responsibilities of individual service chiefs for raising and equipping their services and for providing joint strategic advice. As the argument goes, "dual-hatting" made them incapable of honest judgments in the national interest and of offering unbiased joint advice when the interests of their service were at stake. The idea was that disassociating chiefs from joint decisionmaking would improve strategic advice. But if strategic advice consists of counsel on organizing, training, and equipping services combined (and ideally matched) with counsel concerning the employment of resultant forces, can disassociating the two really improve the overall advice? To answer that, one must understand the strategic advice development process.

Strategic advice to NCA basically addresses what to do (or plan to do) and what to buy. Ideally, the answers match so the Nation buys no more than it needs and plans no more than it can afford. The surest way to make the answers match is to have the party responsible for execution also be responsible for advice. That is how the services, organized under the Departments of the War and Navy, operated during World War II. Then there were two theaters, one generally naval and one generally continental, and the Chief of Naval Operations and the Chief of Staff, U.S. Army, advised the President on what to do (within a nascent JCS). Through their respective secretaries they also advised him on what to buy.

Under the National Security Act after the war, CINCs employed forces while JCS provided advice. JCS synthesized the operational plans developed by CINCs with the longer term strategic concepts developed by the Joint Chiefs and advised NCA on what to do. They simultaneously consolidated requirements with JCS-developed future programs to make recommendations to

their respective service secretaries. The service secretaries then submitted their budget recommendations to the Secretary of Defense for inclusion in the President's budget.

The Secretary of Defense was responsible for ensuring that military plans matched what the civilian side programmed and vice versa. A strength of that system was that it observed the key principle of American governance, the separation of powers: it ensured that the hands that wielded the sword were separate from the hands closest to the purse, the civilian leadership. The primary weakness was that the system offered the opportunity for a mismatch between plans and programs, a real or perceived duplication of programs, or development of pet programs irrelevant to national security needs. These were the major criticisms of the system that reformers intended to address, and Congress responded by giving the Chairman more power over the programming process.

Goldwater-Nichols supporters downplay the authority of the Chairman to bypass the services in developing strategic advice

Strategic advice consists of plans (what to do) and programs (what to buy). The division of labor in developing that advice has the military—formerly the corporate Joint Chiefs and now primarily the Chairman—responsible for planning and civilians who head the military departments responsible for programming. The Secretary of Defense guides both efforts by issuing *Defense Planning Guidance* for programs and providing guidance that is incorporated into the *Chairman's Guidance* to the service chiefs and CINCs for planning. Now under Goldwater-Nichols, the Joint Staff synthesizes CINC plans and develops recommendations that the Chairman submits to NCA on what to do, while measures strengthening the Chairman at the expense of service secretaries and chiefs give him more influence over what to buy. For reasons of efficiency Goldwater-Nichols empowered the Chairman with inordinate influence on both aspects of strategic advice.

While Goldwater-Nichols supporters downplay the authority of the Chairman to bypass the services in developing strategic advice, 10 U.S.C. 153 tasks him with "advising the Secretary on the extent to which the program recommendations and budget proposals of the military departments and other components . . . conform with the priorities established in strategic plans." The law also charged the Chairman with "submitting to the Secretary alternative program recommendations and budget proposals. . . ."

Congress thus came close to unifying the planning and programming processes under the Chairman. Section 153 of Title 10 rationalized and enhanced those processes, but it also damaged civilian control. The military side of DOD now develops the plans and their resultant requirements as before. At the same time, through the Joint Staff and the Joint Requirements Oversight Counsel (JROC), which only began to fully exploit the provision within the last few years, the military also heavily influences programming decisions by civilians. In fact, the law sets up the questionable practice of the Chairman checking the work of service secretaries, his nominal superiors.

Considering the above in conjunction with Secretary Aspin's remark that the Joint Staff is more capable than its civilian counterparts of presenting bureaucratic arguments makes it clear that Goldwater-Nichols has created conditions whereby the military could set the terms of the national security debate. With CINCs more involved in resource issues and service secretaries and chiefs increasingly out of the loop, Congress too is less able to fulfill its constitutional responsibilities. Its primary control device, the service secretaries and chiefs, no longer governs the machinery. One finds evidence of congressional difficulty in the greater incidence of CINC testimony (taking them away from their primary duties). Congress seems to be grasping for control.

The chiefs, who remain responsible under Title 10 for organizing, training, and equipping the Armed Forces, have responded to their diminished influence by shaping congressional opinion from outside. Hence the proliferation of press articles that are primarily issue papers. The services have consequently become more politicized. Additionally JROC, intently focused on a few issues, can always beat Congress to the punch regarding programs, putting lawmakers in the position of opposing well organized and coordinated campaigns that favor the Chairman's proposals. Finally, while the Secretary can overrule the nominally subordinate Chairman, what political appointee will risk the political fallout of appearing to be consistently at odds with the Nation's senior soldier?

In Goldwater-Nichols, critics of the corporate JCS found a deceptively simple answer to a complex issue. The national security problems the United States faces are vast and intricate. They in no way resemble the security problem historically faced by Germany—essentially continental and amenable to relatively simple solutions like the Schleiffen Plan—or Israel, which like Germany

knows precisely who its potential enemies are and from where they might attack. The overall U.S. position combines competing requirements of global complexity with the challenge of deploying nearly anywhere on earth. The solution necessitates careful, balanced deliberation—the strength of the corporate JCS system that Goldwater-Nichols eviscerated.

Goldwater-Nichols may have made DOD more efficient but at the cost of civilian control. It has also politicized the Armed Forces. Like the law it replaced, it has created a national military command structure that ignores the separation of powers. The amended National Security Act has consolidated dispersed powers into one office, unintentionally establishing conditions under which an imperious Secretary might abuse them. Goldwater-Nichols has done much the same thing by consolidating formerly dispersed powers in the Chairman. It has set the stage for the military to usurp authority from civilian leaders. By instituting a system in which military advice is presented unanimously, Goldwater-Nichols gives the impression that national security decisions can be made more easily. In practice such advice could sanction decisions by a single officer and turn civilian authorities into figureheads.

Moreover, Goldwater-Nichols allows civilians to abdicate some responsibilities. National security decisionmaking is complex. Long-term strategy is the duty of accountable officials—the President, Secretary, and members of Congress. The military role is to advise decisionmakers and execute decisions. The Armed Forces risk their relationship with the American people—one that is unique in history—in becoming intimately involved in decisions that fall outside their proper role. The United States has experienced the disastrous effects of allowing excessive power to accrue to the civilian head of the defense establishment; and it can ill afford to grant inordinate authority to the Nation's senior military officer.

Civilian control is an ongoing process rather than an accomplished fact, work in progress rather than a finished product. It depends on situations and personages and on procedures under which key players operate. The central issue in civilian control is the "relative weight or influence of the military in the decisions the government makes, not only in military policy and war but in foreign, defense, economic, and social policy (for much military policy can have vast implications for various aspects of national life)."[14] Goldwater-Nichols gives the military excessive influence over governmental decisionmaking and, contrary to its intent, weakens civilian control.

As George Marshall noted in 1942, civilian control of the military requires eternal vigilance on the part of soldiers as well as civilians. At that time he had begun to look forward to the defeat of Germany and Japan and contemplate the reconstruction of those nations. He established a Civil Affairs Division to train military governors and provided enduring guidance to soldiers on the role of the military in American society and the fragility of civilian control:

I'm turning over to you a sacred trust and I want you to bear that in mind every day and every hour . . . we have a great asset, and that is our people, our countrymen, do not distrust us and do not fear us. . . . They don't harbor any ideas that we intend to alter the government of the country or the nature of this government in any way. This is a sacred trust . . . and I don't want you to do anything . . . to damage this high regard in which the professional soldiers in the Army are held by our people, and it could happen . . . if you don't understand what you are about. . . .[15] **JFQ**

NOTES

[1] Barry M. Goldwater, hearings before the Senate Armed Services Committee, July 28, 1983.

[2] Samuel P. Huntington, *The Soldier and the State* (Cambridge, Mass.: Belknap Press, 1967), p. 83.

[3] David Halberstam, *The Best and the Brightest* (New York: Random House, 1972), pp. 488–89.

[4] James L. Holloway III, "The Quality of Military Advice," *American Enterprise Institute Foreign Policy and Defense Review*, vol. 2, no. 1 (February 1980), p. 34.

[5] Les Aspin, quoted by James Kitfield in "Pentagon Power Shift," *Government Executive,* vol. 26, no. 4 (April 1994), p. 72.

[6] Commission on Roles and Missions of the Armed Forces, *Directions for Defense* (May 1995), pp. 4-25 to 4-26.

[7] Kitfield, "Pentagon Power Shift."

[8] Lyman L. Lemnitzer et al., *Report by the Committee on Civilian-Military Relationships* (Indianapolis: Hudson Institute, September 17, 1984), first addendum, p. 1.

[9] Ferdinand Eberstadt, quoted by J.D. Hittle in "Military Planning at the Seat of Government," *U.S. Naval Institute Proceedings*, vol. 3, no. 7 (July 1957), p. 714.

[10] U.S. Congress, House, Committee on Armed Services, *Department of Defense Reorganization Act of 1958,* 85th Cong., 2d sess., May 22, 1958, H. Rept. 1765.

[11] Ibid.

[12] Eberstadt, "Military Planning," p. 721.

[13] Michael R. Gordon and Bernard E. Trainor, *The General's War* (Boston: Little, Brown, 1995).

[14] Richard H. Kohn, "Out of Control: The Crisis in Civil-Military Relations," *The National Interest,* no. 35 (Spring 1994), p. 16.

[15] Forrest C. Pogue, *George C. Marshall: Organizer of Victory* (New York: Viking, 1973), pp. 458–59.