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United States Reforms to its Higher Defence Organisation

Lessons for India

Col Rajneesh Singh



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रक्षा अध्ययन एवं विश्लेषण संस्थान

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**UNITED STATES REFORMS TO ITS
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LESSONS FOR INDIA**

COL RAJNEESH SINGH

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INTRODUCTION

The United States (US) military today is one of the largest and the most powerful in the world. The US Army, Navy, and Marine Corps were established in 1775 and the War Department was established in 1789. One year later, in 1790, the Coast Guard was established. This was followed by the founding of the Department of the Navy in 1798. The decision to unify the different services under one department led to the enactment of the National Security Act (NSA) and the creation of the National Military Establishment in 1947. The National Military Establishment replaced the War Department, which became the Department of the Army. The United States Air Force was also established in 1947 followed by the founding of the Department of the Air Force. Finally, all the branches of the military were placed under the direct control of the Secretary of Defence in 1947. In 1949, an amendment to the NSA further consolidated the national defence structure by withdrawing cabinet-level status from the three Service secretaries. The National Military Establishment was renamed the Department of Defence (DoD)¹.

Reorganisation of the Higher Defence Organisation (HDO) has been a “subject of considerable congressional interest in the last century”². Ever since 1921, Congress began considering proposals to merge the military departments under a single executive department. For instance between 1921 and 1945, Congress considered some 50 proposals to reorganise the US armed forces. However, largely due to the resistance from the Departments of War and Navy none of these programmes

¹ US Department of Defence (2013), “About the Department of Defence (DOD): History”, [Online: Web] Accessed 13 Sept. 2013, URL: <http://www.defense.gov/about/>.

² U.S. Congress, (1985), 99th Congress, 1st Session, Senate, Staff Report to the Committee on Armed services of the United States Senate, Defence Organisation: The Need for Change, Government Printing Office, Washington, DC, 49.

resulted in legislation³. The lessons of World War II forced the US establishment to have a serious relook at the Higher Defence Management including the HDO. The result was the NSA and the subsequent amendments and the landmark Goldwater Nichols Act (GNA) of 1986. Many strategists credit US military successes⁴ to the reforms undertaken since 1947 besides other factors viz. the technological advancements, down fall of Soviet Union etc. The US, because of the reforms to the military has been able to co-ordinate the functioning of all its Services to a very large extent. However, present day threat which include non-state actors require whole of government approach rather than merely military response. The US is on to the next generation of reforms in an attempt to counter security threats with whole of government response. In integrating the departments for a whole of government response the US is facing problems similar to what it did in integrating its Services.

Democracies of the world have many similarities, notwithstanding differences in the system of governance and the governmental structure. The decision making by the HDO and the government of these countries face similar challenges regardless of the threat perception and the role, size and the employment of the military. What is fascinating is that the challenges faced by the elected representatives, bureaucracy, civil and military, and their response to the challenges remains essentially the same. Hence, the structure of the US HDO and the rationale of reforms undertaken have lessons for India.

Aim

This monograph analyses the reforms undertaken by the US, to its HDO and the military in order to draw lessons for India. Endeavour of the study is to collate best practices from the reforms undertaken in

³ Ibid.

⁴ “Today, we often take the post-Cold war success of our Armed Forces for granted. From Haiti to Bosnia, to the Taiwan Strait, to Liberia, to the skies over Iraq, they have achieved great success at minimal cost in nearly fifty operations since Desert Storm. Quality people, superior organisation, unity of command, and considerable skill in joint and combined operations have been central to that achievement. All these factors owe a great debt to the Goldwater-Nichols DoD Reorganisation Act of 1986” – See Shalikhshvili, John M. (1996), “A Word from the Chairman”, Joint Force Quarterly 13, 1-6.

the US which have resonance to the requirements of the Indian HDO and the military. The monograph, by purpose does not offer readily implementable recommendations for reforms in India as that would be a subject of study for another day.

Scope of the Study

The study is restricted to the period post World War II till date. It will focus on the NSA, the important amendments to the NSA, the GNA and important reforms undertaken post implementation of the GNA.

Chapter One focuses on the NSA and its two subsequent amendments in 1949 and 1958. The chapter highlights the manner in which the US was able to centralise greater authority in the office of the Secretary of Defence as also achieve greater coordination between the principal constituents of the HDO.

Chapter Two critically examines the GNA of 1986. While acknowledging that the US has constantly evolved its HDO and its decision making process to provide its decision makers with the best possible staff options, it examines the provisions of the Act which strengthens the civilian authority over the military, enhances the quality of military advice to the decision makers, ensures efficient use of resources and enhances effectiveness of military operations.

Chapter Three analyses the military career of Colin Powell to understand the role and authority of the Chairman of the Joint Chiefs of Staff (JCS). Colin Powell has been selected as the subject of case study as he is considered by many as possibly the most powerful and the most influential Chairman of the JCS by virtue of the expanded powers available to him under the GNA of 1986 and the force of his personality.

Chapter Four The contemporary security challenges necessitate whole of government approach to counter the threat and not just the military response. The chapter endeavours to highlight the approach of the US to the security reforms at the national level in view of modern day security threats and the position of the HDO in such a national security structure. The reforms at the national level *per se* are not the subject of the monograph; however, the understanding of the military reforms

in the US in contemporary times would be incomplete without discussion of said reforms.

Chapter Five summarises important lessons for India. The Indian security establishment is unique and caters for Indian political and governmental systems, work ethos and sensibilities. Study of foreign models and reform process can provide inspiration for change. It is with this understanding the best practises of US military reforms have been included in the chapter.

THE NATIONAL SECURITY ACT OF 1947 AND SUBSEQUENT AMENDMENTS

The genesis of the NSA was in the lessons learnt during World War II, primary amongst them; future warfare would increasingly be characterised by unified operations⁵. In a message to Congress in December 1945, President Harry S. Truman stated that

“...there is enough evidence now at hand to demonstrate beyond question the need for a unified department.” He urged Congress to “... adopt legislation combining the War and Navy departments into one single Department of National Defence.”

This led to enactment of the NSA. It established the post-war “National Military Establishment”, composed of the Departments of the Army, Navy, and newly created Air Force, all under the authority of a Secretary of Defence with cabinet rank. The legislation also provided a legal identity for the JCS and created the Central Intelligence Agency (CIA), the National Security Council (NSC), the National Security Resources Board, the Munitions Board, and the Research and Development Board.

Truman had strong opinion with regards to the unification of US armed forces even before he became the President. August 26, 1944, issue of *Collier's* magazine carried an article by then Senator Truman

⁵ Unified operations are those that take place within the unified combatant commands which are composed of forces from two or more military departments. Unified operations is the generic term used to describe the wide scope of actions that take place under the direction of the CinCs of the unified combatant commands. U.S. Government (1994), Joint Pub 1-02, Department of Defence Dictionary of Military and Associated Terms, Office of the Chairman of the Joint Chiefs of Staff, Department of Defence, Washington DC, 400.

⁶ Cole, Alice C., et al. (ed.) (1979), The Department of Defence; Documents on Establishment and Organisation, 1944-1978, Office of the Secretary of Defence Historical Office, Washington, DC: U.S. Government Printing Office, 7.

titled “Our Armed Forces Must Be Unified.” Truman concluded the article with the statement that:

“The road, as I see it, stretches straight and with no turns . . . The end, of course, must be the integration of every element of America’s defence in one department under one authoritative, responsible head. Call it the War Department or the Department of National Security or what you will, just so it is one department . . . One team with all the reins in one hand . . . Under such a set-up another Pearl Harbour will not have to be feared.”

Truman attributed his convictions about the need for unification to his own experiences in the military during World War I, to the lessons he had learned as a member of the Senate Appropriations and Military Affairs Committees, to his chairmanship of the Special Committee to Investigate the National Defence Programme and, above all, to the “Record of the Pearl Harbour Hearings”⁷.

Prior to World War II, the US HDO for the most part mirrored the establishment as had been in 1798. The War Department (Army) and the Department of the Navy were two distinct, separate and often rival federal departments. There was no interagency structure to formulate national strategy or agency where coherent government policy could be discussed concerning the two departments. The War and the Navy Departments vied for influence with the President and for resources with the Congress. The system of co-operation and co-ordination was *ad hoc* and was achieved during the World War through “Joint Chiefs”. The “Arcadia”⁹ conference gave birth to Joint Chiefs.

⁷ Truman, Harry (1944), “Our Armed Forces Must Be Unified,” Collier’s, 26 August, 1944, reprinted in U.S. Congress, Senate, Committee on Military Affairs, 79th Congress, 1st Session, Department of Armed Forces, Department of Military Security, October 17-December 17, 1945, 192-197.

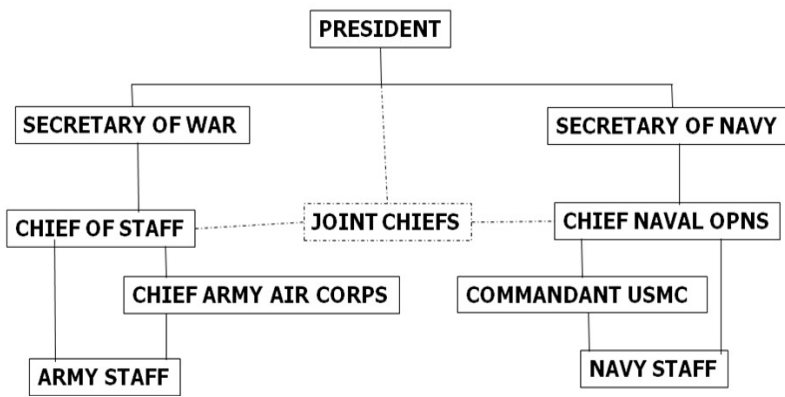
⁸ Truman, Harry (1956), *Memoirs: Volume Two, Years of Trial and Hope*, Doubleday, New York, 46-47. See Stuart, Douglas T. (2000), “Present at the Legislation: The 1947 National Security Act”, in Douglas T. Stuart, (ed.) *Organizing For National Security*, Carlisle Barracks: US Army War College, 9-10.

⁹ ‘Arcadia’ was the code name given to the conference held in Washington post Japanese attack of the Pearl Harbour attended by Churchill and the British Chiefs of Staff and their United States colleagues.

General Ismay, then Chief of Staff to Winston Churchill records how

“...the President, after discussing the British arrangements with the Prime Minister, decided to set up a Chiefs of Staff Organisation on the British model¹⁰.”

World War II Era Defense Establishment



It is worth noting that prior to World War II both the Services were united in their opposition to any idea of unification. Pre-war attempts at unification were always met with determined resistance from the Services primarily to preserve their *independence* and to prevent the Congress from making deep cuts in the budgets. A statement in 1932 by then Army Chief of Staff Douglas MacArthur in opposition to one such legislative proposal is typical of the common position taken by the Army and Navy during this period

“... I give it as my fixed opinion that such an amalgamation as proposed would endanger victory for the United States in case of war. . . . Pass this bill and every potential enemy of the United States will rejoice¹¹.”

¹⁰ Jackson, Bill and Bramall, Dwin (1992), *The Chiefs*, London: Brassey's, 222 -223.

¹¹ U.S. Congress (1932), 72nd Congress, 1st Session, House of Representatives, Committee on Expenditures in Executive Departments, (U.S. Government Printing Office: Washington, DC), 249-50 in Stuart, Douglas T., *Op. Cit.*, 9-10.

Mid way into the World War opinions started to change. A report to General Marshall¹² by Brigadier General William F. Tompkins, Director of the Special Planning Division of the War Department in October 1943 read thus

*“ . . . This war is, and future wars undoubtedly will be, largely a series of combined operations in each of which ground, air, and sea forces must be employed together and coordinated under one directing head . . . ”*¹³

Passage of the Bill

Greater Role for Services Unification of the Services under one department was not the only issue concerning the decision makers of the day. The larger role for the Services in governmental decision making process was also a subject of discussion. The debate for adopting new approach to national security had been initiated long before “Arcadia”. E. Pendleton Herring, a Professor in Harvard’s Government department who was also associated with Harvard’s new Graduate School of Public Administration published his book *The Impact of War* in 1941. Herring in the book had argued “that history of the US had not prepared the country for the challenges of the modern world because it had encouraged Americans to hold a persistent suspicion of militarism. He called for a new approach to foreign policymaking, which would include a permanent and influential place for military advisers at the top levels of government in times of both war and peace. He also recommended that the US take advantage of new technologies of communication and transportation to enhance ‘centralisation, standardisation and regimentation’ in ways that would transform the government from a ‘negative state’ to a ‘positive state’¹⁴.” The experiences of World War II confirmed the wisdom of Herring’s

¹² George Catlett Marshall, Jr. GCB (December 31, 1880 – October 16, 1959), was Chief of Staff of the Army, Secretary of State, and the third Secretary of Defence. Marshall served as the United States Army Chief of Staff during the war and as the chief military adviser to President Franklin D. Roosevelt. Wikipedia (2014), “George Marshall”, [Online: Web] Accessed February 11, 2014, URL : http://en.wikipedia.org/wiki/George_Marshall.

¹³ Stuart, Douglas T, Op. Cit., 9-11.

¹⁴ Ibid., 8-9.

thesis. During the war there were discussions about the nature of post-war foreign policy system. Post attack on Pearl Harbour opinion in US favoured a new approach to foreign policymaking which gave a privileged status to the military while also creating new procedures for civilian-military collaboration.

As the war drew to close, the decision makers realised that after the war the government would need a new system for interaction between civilians and military departments involved in foreign and security affairs. The British model of Committee of Imperial Defence did invoke special interest; however, there were issues which demanded answers. How much power such an entity should be given and who or what agency should lead it? By 1945 Army was convinced of the requirement of unification but the Navy still harboured some misgivings. Then Navy Secretary James Forrestal asked Ferdinand Eberstadt¹⁵ to undertake a study of the subject of unification. Eberstadt study concluded that the record of inter-service coordination during the war was commendable, and that the wartime experience did not demonstrate the need for full unification. He also worried about the establishment of any 'General Staff' arrangement, or the creation of a powerful Chief of Staff in peacetime, as potential threats to the tradition of civilian control of the military. In his final report that Eberstadt presented to Forrestal in September of 1945 he argued that the issue of armed forces unification was just a small part of a necessarily larger debate about post-war policy coordination. New arrangements needed to be put in place in order to facilitate civilian-military cooperation on issues of foreign policy, defence, science, and economic planning¹⁶. The Navy was not impressed by the conclusions of Eberstadt's report.

Provisions of the Act Eisenhower, then Army Chief was committed to establishing 'overall unity of command exercised by a civilian secretary'. It would require all his persuasive powers to get his naval counterpart, Chester Nimitz to agree to a draft proposal for unification.

¹⁵ Eberstadt had served as Director of the Army Navy Munitions Board during the war and in this capacity had gained an appreciation of the military services, and of their ability to cooperate to accomplish common goals.

¹⁶ Stuart, Douglas T., Op. Cit., 14-16.

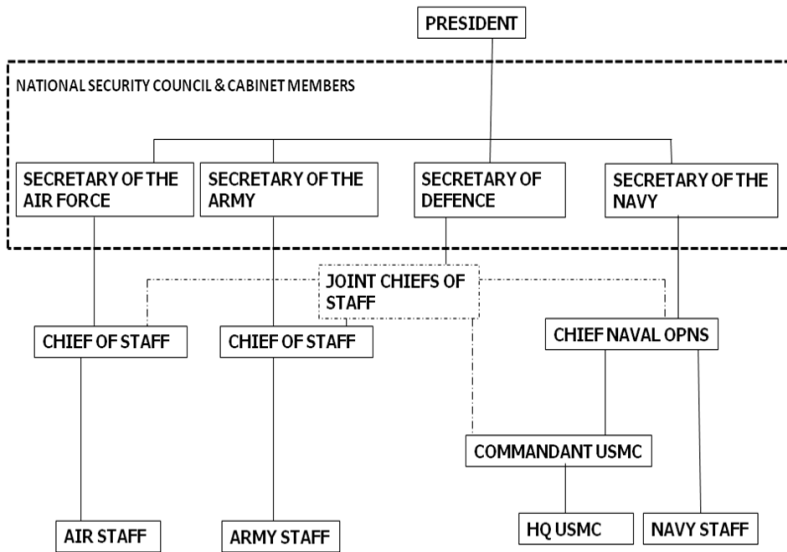
Complexities of the proposal and turf wars necessitated presidential intervention on number of issues. A compromise solution finally emerged in early 1947 and the National Security Act was signed into law on July 26, 1947. The Act which Eisenhower described as “little more than a weak confederation of sovereign military units”¹⁷ provided for some path breaking reforms. Office of the Secretary of Defence (OSD) was created along with National Military Establishment with three independent Services. JCS, a temporary wartime arrangement, was made a permanent component of the National Military Establishment. Under the provisions of the Act the Services Chiefs who had earlier worked through and under their respective Secretaries now worked under the newly created OSD. The Act provided for a staff of not more than 100 personnel to the Joint Chiefs and had a provision of rotating Chairman as ‘first amongst equals’, a major shortcoming which had to be rectified at a later stage. In addition, the Act rectified the problems encountered during the World War II¹⁸:

- The Act corrected the failure of lack of strategic warning represented by Pearl Harbour catastrophe and met the need for strategic warning of attack from the Soviet Union by creating the CIA.
- Increased the cooperation among the military services and between the military and the powerful Department of State by creating a National Military Establishment, the position of Secretary of Defence, an independent Air Force and in the 1949 revisions to the Act, the DoD.
- Organized the domestic portion of future war efforts by creating the National Security Resources Board to manage industrial mobilisation and civil defence.
- Created a NSC that would *coordinate* all these and other departmental and agency efforts so as to provide for a fully integrated defence of the nation.

¹⁷ The Department of Defence (1978), Cole, Alice C., Goldberg, Alfred, Tucker, Samuel A., Winnacker, Rudolf A. (ed.), Documents on Establishment and Organisation, 1944-1978, (OSD Historical Office: Washington DC), 177.

¹⁸ LeCuyer, Jack A. (2012), A National Security Staff For The 21st Century, Carlisle Barracks: US Army War College, 5.

1947 ACT DEFENCE ESTABLISHMENT



Assessment of the Act In the hindsight the National Security Act turned out to be a compromise solution with some major inadequacies. The Act created the appointment of the Secretary of Defence; however, he presided over the National Military Establishment consisting of three executive departments, one for each Service. The Services in turn were headed by their respective cabinet level secretaries. This ensured that the Secretary of Defence had limited influence over the Services, a result of deliberate decision by the Congress which decided not to enact more radical legislation for fear of yielding much of its control over the military to the executive branch¹⁹. Eberstadt who had undertaken a study on the subject on behalf of the Navy was apprehensive of the final outcome and testified during the Senate hearings on the NSA that, ‘the powers delegated to the Secretary of

¹⁹ U.S. Congress, (1985), 99th Congress, 1st Session, Senate, Staff Report to the Committee on Armed services of the United States Senate, Defence Organisation: The Need for Change, (Government Printing Office: Washington, DC), 50. See Lovelace, Douglas C Jr. (2000), “The DoD Reorganization Act Of 1986: Improving The Department Through Centralization And Integration”, in Douglas T. Stuart, (ed.) Organising For National Security, Carlisle Barracks: US Army War College, 67-68.

Defence were “disturbingly general and indefinite.’ He noted that the proposed legislation authorised the Secretary to ‘administer’ the entire National Military Establishment, but did not give him the requisite authority to accomplish this task. He also worried that the proposed bill lacked a ‘definite mechanism for fostering unity and teamwork among the military services through appropriate programs of joint education and training at various stages.’²⁰ The Services also retained their autonomy, role and missions. The Joint Chiefs were provided with statutory authorisation to continue their wartime roles:

“To act as the principal military advisors to the President and the Secretary of Defence; to prepare strategic plans and provide for the strategic direction of the armed forces; and to establish unified commands in strategic areas when such unified commands are in the interest of national security”²¹.

Some commentators wondered how “jointness” could be achieved by the JCS, without a permanent and strong Chairman to control their deliberations. Commenting on the NSA, President Truman, in a March 1949 message to Congress, stated:

“This act has provided a practical and workable basis for beginning the unification of the military services and for coordinating military policy with foreign and economic policy . . . The past 18 months have dispelled any doubt that unification of the armed forces can yield great advantages to the nation . . . [but] the act fails to provide for a fully responsible official with authority adequate to meet his responsibility, whom the president and the Congress can hold accountable”²².

²⁰ U.S. Congress, Senate Hearings (1947), 80th Congress, 1st Session, Committee on Armed Services National Security Act of 1947, Hearings on S. 758, (U.S. Government Printing Office: Washington DC), 674-675. See Stuart, Douglas T., Op. Cit., 14-16.

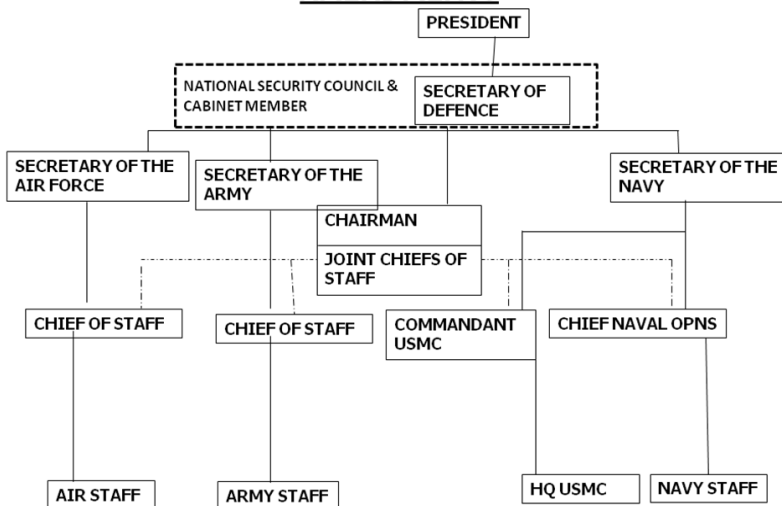
²¹ The Department of Defence (1978), Cole, Alice C., Goldberg, Alfred, Tucker, Samuel A., Winnacker, Rudolf A. (ed.), Documents on Establishment and Organisation, 1944-1978, (OSD Historical Office: Washington DC), 35-50. See Jablonsky, David (2000), “Ike and the Birth of the CINCS: The Continuity of Unity of Command”, in Stuart, Douglas T. (ed.) Organising For National Security, US Army War College, Carlisle Barracks, 40-41.

²² Ibid., 35-50.

Amendments to the National Security Act of 1947

Immediately after the enactment of NSA some of its flaws became obvious, chiefly amongst them were the relative lack of authority of the Secretary of Defence over the Services and the ineffectiveness of the JCS. In order to obviate the anomalies the NSA Amendments of 1949 and the Defence Reorganisation Act of 1958 were enacted. The primary aim of the amendments was to enhance the status of the Secretary of Defence both in absolute and relative terms and this was done by reducing the status of the service secretaries to sub-cabinet status level and by ensuring they no longer formed part of the NSC. The NSA Amendments of 1949 also created the appointment of Chairman of the JCS, though without command authority or vote within the JCS. The Defence Reorganisation Act of 1958 refined the relationships between the principal constituents of the HDO and defined the operational chain of command running from the President through the Secretary of Defence and the Chairman to combatant commanders.

DEFENCE ORGANISATION AFTER 1949 AND 1958 AMENDMENTS



The amendments to NSA were not easy to come. Army Chief Eisenhower and Naval Chief Chester Nimitz had negotiated for over a year before both the Chiefs and the Service Secretaries could arrive

at a consensus over the NSA. This was despite a number of presidential interventions during the discussion stage. Eisenhower's farewell memorandum to the Secretary of Defence, Forrestal was a reminder of the need for an evolutionary approach to the provisions of the NSA. He also reminded there should be no hesitancy in using the 'trial and error' method so long as these proceed from minor innovation toward larger and more radical objectives in final result. After his retirement, on the request of then Secretary of Defence, Eisenhower served as his adviser and informal Chairman of the JCS. From December 1948 to July 1949, Eisenhower divided his time between his duties as President of Columbia University and his responsibilities as 'Chairman'. In performance of his duties as the 'Chairman' he later recalled that, 'he was an umpire between disputing Services'. The principle motivation for Forrestal to continue to rely on Eisenhower was the experience and the respect Eisenhower had earned in the Services. As a fourth member who could divorce himself from his Service background he helped to iron out the differences between the Services and to agree for a permanent Chairman for JCS.

On August 10, President Truman signed PL 216, the National Security Amendments of 1949, which transformed the National Military Establishment into the executive DoD. Amongst the important provisions included; increase in authority of the Secretary of Defence and loss of authority of Service Secretaries consequent to their removal from the NSC and their loss of cabinet status. However, the provisions of the Amendment ensured that the Service Chiefs and not the Secretary of Defence controlled the operations of the operational commands. This they did by continuing with the practice of nominating one of the members of JCS as an 'executive agent' for controlling operations of unified command. This practice when read in conjunction with the provisions of 1949 Amendment which forbade the Secretary of Defence to interfere with the combat functions of the commands greatly reduced the powers of the Secretary as also those of Service Secretaries over the operations of the unified command. It was also proposed in 1949 Amendment that the Chairman "head" the JCS and act as the principal adviser to the President and the Secretary of Defence, however, the Congress after its deliberations directed that the Chairman would preside over the JCS as a non-voting member and that the JCS and not the Chairman, would be the principal advisers and in this

capacity would be aided by a Joint Staff increased to 210. The provisions of the amendment also ensured that the Service Secretaries and military chiefs were no longer permitted to deal directly with the President or the Budget Director as Eisenhower had recommended, however, they were permitted, after informing the Secretary, to take to Congress, any recommendations relating to the DoD²³.

The full import of the NSA and the Amendment of 1949 became clear during the Korean conflict. As stipulated by the Act, during the conflict, the JCS was directing the operations and interacting directly with the President in implementing the directives of the United Nations. The situation was the reminder of the dominant position of the military seen during the World War II. This raised concerns about the lack of centralised civilian control over the military. Ironically it fell upon a military man, President Eisenhower, to do the needful.

Eisenhower appointed the Rockefeller Committee to suggest recommendations to restructure the DoD. The committee was of the opinion that under the provisions of the NSA one of the duties of the Chiefs viz., the responsibility to maintain the efficiency of their respective Services had a negative impact on the primary responsibility of joint planning as part of JCS. The committee concluded that in order for the JCS (Chiefs) 'to rise above the particular views of their respective services,' and to reduce its role and political influence it must be moved out of all command channels and serve only as a planning and advisory staff. This proposal was negated on the ground that it would provide the JCS with substantial authority without any corresponding responsibility. A compromise solution which had the approval of Eisenhower was sent to the Congress for consideration. It strengthened the role of the Chairman, gave emphasis to the role of the JCS as staff to the Secretary of Defence and de-emphasised the role of the Chiefs as the representatives of their respective Services, although the connection was not fully severed. To ensure better quality of advice the President recommended that the Joint Staff should be responsible of the Chairman. The President also opined that the 'executive agent system' was inappropriate in the present form as it created "considerable

²³ Ibid., 41-44.

confusion and misunderstanding” with respect to the relationships of the JCS with the Secretary of Defence and of the individual Service Chiefs with their Service Secretaries. This he proposed to rectify by nominating one of the military departments as ‘executive agent’ for each unified command thereby ensuring that the chain of command flowed from the President to the Secretary of Defence to the designated civilian Secretary of the designated military department. However, the system of having an executive agent which ensured the ambiguity remained in the proposal. ‘For the strategic direction and operational control of forces and for the conduct of combat operations, the military chief of the designated military department was authorised by the Secretary of Defence to receive and transmit reports and orders and to act for that department in its executive agency capacity’. This arrangement was put into practice to deal with emergency and war time situation. The necessary executive instructions and legislations were passed in 1953. Even though the doubt regarding the efficacy of the recommendations remained, the proposals were implemented as it came from Eisenhower, one of the greatest soldiers the US had ever produced²⁴.

By 1958 the Cold War between the US and Soviet Union had intensified and there was renewed public debate concerning the structure of the DoD. Eisenhower had formed a number of advisory groups to find a solution to the lingering issue of the unity of command. The sum total of Eisenhower’s thought and experience since the beginning of World War II was that ‘unity of command must run in a symbiotic thread from the highest level down into the theatre commands’. Eisenhower sought to rectify the anomalies in the command chain which had persisted from the 1953 reorganisation by doing away with the involvement of the military departments and by extension the Service Chiefs as the ‘executive agents’. He likened this practice to “staff” taking over the command responsibilities given that the primary role of the JCS was to provide the President, Secretary of Defence and the NSC with staff advice. The result was the chain of command flowed from the President to Secretary of Defence to unified command. The military

²⁴ Ibid., 46-52.

departments were to concentrate to administer, train and provide logistic support to the forces assigned to unified commands by the Secretary of State. He also sought to remove the statutory limit of 210 officers on the Joint Staff and allow the Chairman to be responsible for their appointment and assigning of duties. The Joint Staff was proposed to be structured on integrated operations divisions with joint directorates with similar structures in unified commands. In order to ensure that the Chiefs are able to fulfil their primary obligation in the JCS it was proposed that the Chiefs delegate much of their Service responsibilities to their Vice Chiefs.

The proposals mentioned above if incorporated in totality in the legislation would have had far reaching implication on the higher defence management; however, it was not to be. The legislation was again a compromise solution. Important provisions which were incorporated in the Defence Reorganisation Act of 1958 are given under:

- The Chairman was permitted to appoint Joint Staff, but only “in consultation” with the JCS, and was permitted to assign duties to Joint Staff but only “on behalf” of JCS. The legislation also authorised the Chiefs to retain their right to assign duties to the Joint Staff.
- The Chairman was authorised a vote in JCS deliberations.
- The Service Chiefs were permitted to delegate some of their duties to their Vice Chiefs.
- The Joint Staff was increased to 400 officers.
- The 1958 law authorised the President, acting through the Secretary of Defence and with the advice of the JCS, to establish unified commands, to assign them missions, and to determine their force structure. In turn, the Commander-in-Chiefs (CinCs) of those commands were made responsible to the President and the Secretary of Defence for implementing assigned missions. The military departments were made responsible for administration, training and logistic support for their respective components assigned to the unified commands.

- The Service Secretaries and the Chiefs were permitted to approach the Congress with ‘any recommendations relating to the DoD that they might deem proper’. This was contrary to the recommendations forwarded by Eisenhower.

Finally, through a separate executive order the practice of nominating ‘executive agent’ to a unified command was done away with and the operational chain of command ran from the President to the Secretary of Defence to CinCs²⁵.

Conclusion

The NSA and subsequent amendments of 1949 and 1953 and the Defence Reorganisation Act of 1958 were an attempt to centralise greater authority in the OSD. An important provision to this end was to remove the Service Secretaries from the cabinet and the NSC. The underlying philosophy of the NSA was to create an organisation which attempted to achieve greater coordination between the principal constituents of the HDO. The Act of 1958 was able to accomplish greater centralisation of authority in the civilian component of the HDO by defining operational chain of command which ran from the President to Secretary of Defence to the Combatant Commanders. While the administrative chain of command was not spelt out in concrete terms it was understood to run from the Secretary of Defence to the military departments. The two chains of command synchronised in the office of the JCS. This was instrumental to give the Chairman the authority in the nature of the ‘Chief of Staff of the Armed Forces’.

The 1949 amendment created the appointment of the Chairman of the JCS, though without voting rights. This was an attempt to vest some of the authority and powers of the Service Chiefs and the military departments in the appointment of the Chairman of JCS. At the same time it was ensured that the Secretary of Defence and the Chairman do not become all powerful at the expense of the Chiefs and military departments. An important stipulation permitted the Chiefs and the Service Secretaries to go directly to the Congress with “any recommendations relating to the DoD that they might deem proper,”

²⁵ CinCs of commands are now known as Combatant Commanders.

something which Eisenhower termed as “legalised insubordination”. A functional philosophy in many countries including the US is of providing operational independence to the commanders to plan operations including the logistic support. Post implementation of Act of 1958 the ‘executive agent’ system was officially done away with, however, the Service Chiefs continued to retain influence over the detailment of resources to unified commands. The immediate impact of this provision was that the CinCs had to plan their operations with the resources provided by the military departments and not the other way round where the resources are provided contingent on the task and the mission. The failure to provide for unified command resulted in several operational deficiencies in the Vietnam War, the incursion in Grenada, the Iranian hostage rescue attempt. In particular the 1983 Grenada operations forced the Congress to look into the aspect of providing operational and administrative ‘independence’ to the CinCs to plan operations. It also necessitated deliberation on the issue of making the Chairman of JSC responsible to joint doctrine and joint training policies. These problems and many more necessitated the next round of reforms which resulted in the GNA.

THE GOLDWATER-NICHOLS DEPARTMENT OF DEFENCE REORGANISATION ACT OF 1986

An Act to reorganise the Department of Defence and strengthen civilian authority in the Department of Defence, to improve the military advice provided to the President, the National Security Council, and the Secretary of Defence, to place clear responsibility on the commanders of the unified and specified combatant commands for the accomplishment of missions assigned to those commands and ensure that the authority of those commanders is fully commensurate with that responsibility, to increase attention to the formulation of strategy and to contingency planning, to provide for more efficient use of defence resources, to improve joint officer management policies, otherwise to enhance the effectiveness of military operations and improve the management and administration of the Department of Defence, and for other purposes.

— Opening Statement, GOLDWATER-NICHOLS DEPARTMENT OF DEFENSE REORGANISATION ACT OF 1986²⁶

The process of unification of the military departments has been long and winding and continues to date. The process began with the enactment of the NSA followed by NSA Amendments of 1949 and the Defence Reorganisation Act of 1958. In this protracted process the GNA is another major milestone.

In the 1970s and early 1980s the US was involved in a number of military operations. Starting with the Vietnam War debacle the world was a witness to series of operational military failures. The failure of the US military to rescue hostages from Iran, the Beirut embassy bombing and the interoperability problems witnessed during the

²⁶ US Congress (1986), “Goldwater-Nichols Department of Defence Reorganization Act”, [Online: Web] Accessed December 11, 2013, URL: http://www.nsa.gov/about/cryptologic_heritage/60th/interactive_timeline/Content/1980s/documents/19861001_1980_Doc_NDU.pdf.

invasion of Grenada convinced the Congress of the urgent requirement to reform the US HDO. The landmark legislation of 1986 is a result of over four years of intense debate, Congressional hearings, investigation and analysis conducted at all levels of security establishment, the Congress, the White House, the DoD and the strategic community²⁷.

The Iran Hostage Rescue Attempt On November 04, 1979 Iranian militants took 53 Americans hostages in Tehran. A similar incident had occurred nine months earlier, which however, was resolved diplomatically. It is unclear if in the aftermath of the first incident the JCS had advised the President or the Secretary of Defense of the necessity of contingency planning for a repeat situation. Over five months passed after the second incident before the US mounted a military response. Post operational analysis indicates direct White House supervision, excessive devotion to secrecy and compartmentalisation, and a general circumvention of the established crisis action planning process. The military plan was flawed in that it was “joint” i.e. it involved forces from all Services but, it was not a unified operation in that it did not provide for unified command, unified action, or joint training of the forces. The operation when executed ended in catastrophe. American planning, equipment, tactics, and leadership proved inadequate. Eight people involved in the mission were killed, expensive equipment and classified information were abandoned, and not a single hostage was rescued²⁸.

Beirut Bombings In 1983 the US had a large contingent of military personnel deployed to preserve peace in and around Beirut, facilitate the restoration of the sovereignty and authority of Lebanon’s Government, and help bring peace to the war-torn country. In April 1983, a massive explosion destroyed the United States Embassy in

²⁷ Some military experts trace the intellectual evolution of Goldwater-Nichols to an influential article entitled “Why the Joint Chiefs of Staff Must Change,” written by CJCS, General David Jones, USAF. The so-called Jones plan was moderate in comparison to the wide-ranging scope of Goldwater-Nichols yet significant in that he was still serving as Chairman at the time. See Centre for Strategic and International Studies (2004), *Beyond Goldwater-Nichols: Defence Reform for a New Strategic Era – Phase 1 Report*, Washington, D.C., 14.

²⁸ Lovelace, Douglas C. Jr. Op. Cit., 70-73.

Beirut, killing 17 US citizens and over 40 others. During the year the US military suffered a number of casualties in operations, four dead and 15 wounded. Events culminated on October 23, when a suicide bomber attacked the Marines' headquarters building, killing 241 US military personnel and wounding over 100 others. Shortly thereafter, the US withdrew its forces from Lebanon. The report of the Investigations Subcommittee of the House of Representatives Committee on Armed Services was critical of the military on several counts. The more notable criticisms included an ambiguous chain of command, lack of proper oversight by higher levels of command, lack of adequate intelligence support, reporting by military sources of incomplete or inaccurate information, the failure of civilian leadership to heed the advice of senior military leaders concerning the overall risks of the operation, and the inability of the military to anticipate and protect against such an attack²⁹.

Invasion of Grenada The US military operation in Grenada was necessitated by Cuban activities on the island nation. On October 25, 1983, two days after the Beirut bombing, the US military launched an operation to secure and evacuate approximately 1,000 US citizens, defeat the Grenadian and Cuban forces present, and stabilise the situation so that a democratic government could be restored. Though, the operation has been termed as a success the students were freed unharmed, the government of Prime Minister Maurice Bishop was ousted, Cuban troops were removed, and democracy was restored. Still, critics reported many problems with the operation; these included lack of accurate and up to date maps, imperfect intelligence support, and US casualties resulting from accidents and fratricide. There were interoperability problems among the Services, particularly in the area of communications. US Army units reportedly performed sluggishly, used inappropriate tactics, and suffered from breakdowns in discipline. Though, the validity of such reports has been debated, the fact remains that the overall success of the operation failed to preclude Congressional criticism³⁰.

²⁹ Ibid.

³⁰ Ibid.

The Road Ahead

Congressional Perspective The failure of US military operations to ensure desired outcome reinforced the popular Congressional opinion, US HDO was in need of urgent reforms. There was a bipartisan support for the reforms in the Congress and President Reagan sided with the Congress. Secretary of Defence, however, was not convinced and the military departments were a divided house³¹. The process of reform, as always, was arduous and challenging. Traditionally the Congress has always been against the unification process. Centralisation of authority in the executive meant the loss of discretionary authority of the Congress over the defence matters. Separately organised military departments with competing interests suited the Congress. The members of the Congress benefitted from the direct links to the Services and the industries that served them. However, the seriousness of the situation evidenced by the military failures forced the Congress to give up its prerogatives in the defence reforms. Many in uniform also recognised the problems, yet the DoD and the Services, as institutions, were resolutely against addressing them. The Congress identified the under mentioned problems amongst others which needed their immediate attention³²:

- There was an imbalance in the DoD between Service and joint interests. The Services held veto powers over the proposals which were in conflict with their individual interests.

³¹ Although, prior to establishing the Packard Commission in mid-1985, President Reagan considered defence reorganization an issue to be handled by the Secretary of Defence. His formation of the Commission and rapid approval of its recommendations evinced his belief that reform was necessary. Then Secretary of Defence Casper Weinberger believed that congressionally mandated reorganization of the DoD was unnecessary and that any increase in the influence of the Chairman of JCS would be at the expense of the Secretary of Defence. Assistant Secretary of the Air Force Tidal McCoy believed that DoD was already too centralized and that the service secretaries needed more, not less, autonomy. Secretary of the Navy John Lehman claimed that the executive branch had been worshipping “at the altar of the false idols of centralization and unification” for the past 30 years. Ward, Howard Bryan (1995), *United States Defence Reorganizations: Contending Explanations*, Ann Arbor, MI: UMI Dissertation services, 324-327. See *Ibid*, 78.

³² Locher, James R. III (2001), “Has it Worked? The Goldwater-Nichols Reorganisation Act”, *Naval War College Review*, LIV, (4), 95-115.

- The unified commanders were also considerably weakened as their responsibility did not commensurate to the authority delegated to them.
- There was no clarity in the operational chain of command from the President to the unified commanders. Although, the Service Chiefs were not part of the command chain they often interfered in the operational role when the unified commander was from their Service or through another three star general in the command whom the Service Chief protected.
- Military advice to political leadership was inadequate. They received watered down advice to which all of the Services could agree.
- High calibre officers with suitable professional education and experience were not posted to joint duty assignments.
- Strategic planning was ineffective.

When the Congress decided to act on the bill there was already enough study material available, some dating back to 1940, to make use off. These included studies done by the Joint Staff and by various commissions for presidents and secretaries of defence. Closer to the date, study groups and commissions were constituted to study the issue and suggest the way ahead.

Locher Report In January 1985, Senators Barry Goldwater and Sam Nunn directed study produced a report titled *Defence Organisation: The Need for Change*, also known as the Locher Report after its Director, James R. Locher. The report was an affirmation of the fact that a consensus was building in the Congress on the need for organisational reforms of the DoD. The report highlighted the organisational deficiencies in respect of all the important constituents of the DoD, viz. the OSD, the JCS, the unified and specified combatant commands, and the military departments. Of the many recommendations offered by the study following three³³ are of importance to the subject of the monograph:

³³ Lovelace, Douglas C. Jr., Op. Cit., 74-75.

- The need to authorise the Chairman of Joint Military Advisory Council to provide military advise in his own right and designate him as the principal military advisor to the Secretary of Defence.
- Removing the service component commanders within the unified combatant commands from the operational chain of command; and
- Fully integrating the Secretariats' and the service headquarters' staffs.

Blue Ribbon Commission In June 1985, President Reagan instituted the Blue Ribbon Commission on Defence Management, also known as the Packard Commission after its Chairman, David Packard. The commission's recommendations were significantly less radical and included³⁴:

- The Chairman of JCS should be authorised to prepare the military strategy.
- The Chairman of the JCS should be the designated principal military advisor to the President, the NSC and the Secretary of Defence, in that he would present his own opinion and that of the JCS.
- The office of the JCS and the Joint Staff should function on the instructions of the Chairman JCS.
- All instructions from the Secretary of Defence to unified and specified commands and the reports from the commands to the office of the Secretary of Defence should be channelled through the Chairman.

Congress Passes the Bill In view of the reverses suffered by the US military in the 1970s and 1980s there was a strong support for the reforms in the US Congress despite the reservations in the DoD. Senators Barry Goldwater and Sam Nunn and Representative Bill Nichols were able to build exceptionally strong bipartisan support for reform. During the spring and summer, each house passed its version

³⁴ Ibid., 76-77.

of the reform bill by an overwhelming majority. On May 07, 1986, the Senate approved its version of the reorganisation bill by a vote of 95 to 0. On August 05, 1986, the House approved its version by a vote of 406 to 4. It seemed that in the entire Congress, only four members did not support the type of reform under consideration. With the Congress united in support of defence reorganisation, the joint conference to resolve inter-committee issues went quickly and smoothly. The conference met formally on August 13 and September 11, 1986. While over 100 amendments were considered, there were only three substantive areas that required resolution and were easily resolved. Senator Goldwater characterised the conference as the most cordial and cooperative in his memory. The conference report was published on September 12, 1986, and this substantial piece of legislation sailed through the Senate and the House of Representatives on September 16 and 17, respectively. By October 01, 1986, the GNA was law³⁵.

The Goldwater-Nichols Act

In passing the Act, the intent of the Congress was to balance joint and Service interests. In order to strike that balance the drafters of the Bill adopted under mentioned objectives³⁶:

- Reorganise DoD and strengthen civilian authority within the Department;
- Improve the military advice provided to the President, the NSC and the Secretary of Defence;
- Place clear responsibility on the commanders of the unified and specified combatant commands for the accomplishment of missions assigned to those commands;

³⁵ Lovelace, Douglas C. Jr., *Ibid.*, 78. Also see U.S. Congressional Record, Proceedings and Debates, (1986), U.S. 99th Congress, 2nd Session, , September 17, 1986, (U.S. Government Printing Office: Washington, DC), H7005-H7008. U.S. Congressional Record, Proceedings and Debates, (1986), U.S. 99th Congress, 2nd Session, September 16, 1986, (U.S. Government Printing Office: Washington, DC), S12652-S12653.

³⁶ Goldwater-Nichols Department of Defence Reorganisation Act of 1986, Conference Report (99-824), 3.

- Ensure that the authority of the commanders of the unified and specified combatant commands is fully commensurate with the responsibility to accomplish the missions assigned to their commands;
- Increase attention to the formulation of strategy and to contingency planning;
- Provide for more efficient use of defence resources;
- Improve joint officer management policies;
- Enhance the effectiveness of military operations;
- Improve management and administration of DoD.

Provisions and Assessment of the Act

To Reorganise DoD and Strengthen Civilian Authority A congressional report titled *Defence Organisation: The Need for Change* published in 1985, highlighted the fact that the authority of Secretary of Defence was ‘seriously hampered by the absence of a source of truly independent military advice’. Prior to enactment of GNA there was no over-riding authority over the JCS. Therefore, the OSD was forced to carry the full burden of challenging the Services, individually and collectively, on policies and programmes. This was compounded by the fact that the Services have all along zealously guarded their turf, resulting in heightening of civil-military disagreement, an isolation of OSD, a loss of information critical to effective decision making, and, most importantly, a political weakening of the Secretary of Defence and his OSD staff. The overall result of inter-service logrolling has been a highly undesirable lessening of civilian control of the military³⁷. Also the relationship between the Secretary of Defence and the Service Secretaries was not defined in the earlier Acts, viz. the NSA and subsequent amendments. Consequently, there were occasions when

³⁷ U.S. Congress, (1985), 99th Congress, 1st Session, Senate, Staff Report to the Committee on Armed services of the United States Senate, *Defence Organisation: The Need for Change*, (Government Printing Office: Washington, DC), 620.

Service Secretaries championed the cause of the Services while the Secretary of Defence deliberated from the perspective of ‘defence issues’. The GNA included many provisions to remedy the imperfections discussed above; of which two stand out. First the Act stated in no uncertain terms that “the Secretary has sole and ultimate power within the DoD on any matter on which the Secretary chooses to act”. It also clearly defines the relationship between the Secretary of Defence and the Service Secretaries. Second, by designating the Chairman as the principal military adviser, the Act sought to provide the Secretary with independent military advice and an ally with all Services, non-parochial perspective. This was also an attempt to end the civil-military disputes of the past. There has been a general acceptance that after the enactment of the Act the Secretary of Defence has been able to meaningfully exercise his authority over the DoD. Some critics of the Act though claim that the Chairman’s more influential role undermines civilian authority. Nothing can be further from truth. Although, GNA has increased the role of the Chairman, it carefully ensured that the Secretary can use his vast powers to control the nation’s highest ranking military officer.

Military Advice A common refrain in the pre GNA days was that the military provided watered down advice to the lowest common denominator, so that all Services could agree. The issue of inadequate military advice to the political leaders was resolved by including some far reaching provisions in the GNA. It ensured the Chairman become the principal military adviser, transferred many of the duties to him, previously performed by the corporate JCS, and assigned some new duties. Congress ensured that the Chairman had full authority over the JCS; yet the Act also included measures to restrain the Chairman so that he does not become all too powerful and the JCS an inert organisation. Some of the provisions which have been included to temper with the powers of the Chairman are given under³⁸:

- The Act has vested the Chairman with no command authority. The chain of command prescribed by the Act runs from the

³⁸ Goldwater-Nichols Department of Defence Reorganisation Act of 1986, Conference Report (99-824), Op. Cit., 15-23.

President, to the Secretary of Defence, to the Combatant Commanders.

- The members of the JCS have retained their responsibilities as military advisors to the NCA³⁹ and NSC. Should a member have a dissenting view to the Chairman's, the Act makes it obligatory for the Chairman to submit this dissenting view to the NCA or the NSC along with his own.
- The Act also provides that each member of the JCS, after informing the Secretary of Defence, may make independent recommendations to the Congress.

Considering the broad spectrum of duties required to be performed by the President and the Secretary of Defence the Congress considered it pertinent to include a provision in the Act that allows the Chairman to assist the NCA to supervise the working of the Combatant Commanders. The President may direct that all communications between himself or the Secretary and the Combatant Commanders go through the Chairman⁴⁰. The President may also direct that the Chairman assist him in the performance of his command functions. The Secretary of Defence may assign the Chairman responsibilities for assisting in overseeing the combatant commands; however, such assignment confers no command authority⁴¹. The Chairman thus plays a central role in ensuring the chain of command function effectively. The Act assigns the Chairman the responsibility of being the spokesman for the Combatant Commanders. This provision of the Act not only

³⁹ The President and the Secretary of Defence collectively constitute National Command Authority.

⁴⁰ Although Goldwater-Nichols (as reflected in existing Title 10 language) states that the Secretary of Defense "may" communicate to the Combatant Commanders through the Chairman of the Joint Chiefs of Staff, the current Unified Command Plan states that the Secretary "shall" communicate with the Combatant Commanders through the Chairman Joint Chiefs of Staff. See Clark A. Murdock, et al (2004), "Beyond Goldwater-Nichols: Defence Reform for a New Strategic Era – Phase 1 Report," Centre for Strategic and International Studies, Washington, D.C., 28-29.

⁴¹ Goldwater-Nichols Department of Defence Reorganisation Act of 1986, Conference Report (99-824), Op. Cit., 23-24.

enhances the authority of the Chairman in absolute terms, but also enhances the ability of the Combatant Commanders' to influence the NCA⁴².

According to many of the principal recipients, since the passing of the GNA, the quality of advice has greatly improved. A comprehensive assessment of post 1986 military advice has concluded that the act "has made a significant and positive contribution in improving the quality of military advice"⁴³. Although, there are some who believe, in operational matters, the views of the Services are underrepresented, there are not many who give credence to this argument.

Chain of Command The studies undertaken in the aftermath of the operational failures in 1970s and 1980s ascribed one of the reasons of the poor performance of the US military was imprecise chain of command. The Act of 1958 specified the operational chain of command without defining the administrative chain of command. Even though the military departments did not form part of the operational chain flowing from the President to the Combatant Commanders, the Service Chiefs did exercise operational influence because of the manner in which the military departments were made responsible for the administrative support of the combatant commands. The GNA sought to remedy this ambiguity. It made the Secretaries of the military departments responsible for "fulfill[ing] (to the maximum extent practicable) the current and future operational requirements of the [CinCs]. . . ."⁴⁴ Thus, the support provided by the military departments has become contingent on the operational plans of the combatant commands and not the other way round. In short, the Combatant Commanders have been charged with the responsibility of identifying the requirements for their commands, the Chairman has been made

⁴² Ibid. For example, the chairman is responsible for soliciting, evaluating, integrating, and establishing priorities for the Combatant Commanders' requirements and advising the Secretary of Defence accordingly.

⁴³ Yuknis, Christopher Allan (1993), "The Goldwater-Nichols Act of 1986—An Interim Assessment," in Mary A. Sommerville (ed.) *Essays on Strategy X*, Washington: National Defence University Press, 97.

⁴⁴ Goldwater-Nichols Department of Defence Reorganisation Act of 1986, Conference Report (99-824), Op. Cit., 47, 56, 69.

responsible to synthesise the requirements, and the Services have been tasked to fulfil the requirements. The GNA clearly establishes the pre-eminence of the Combatant Commanders over the Service Chiefs to determine the administrative requirements of their commands.

Formulation of Strategy and Contingency Planning A number of studies in the run up to GNA had revealed flaws with regards to formulation of effective military strategy and contingency planning by the DoD. This was attributed to inadequate attention to preparation of the strategy by the DoD. As regards contingency planning by the JCS, the studies concluded that it suffered from lack of meaningful review and direction by the Secretary and also valid political assumptions were not provided to the military. In order to obviate the mentioned problems the GNA has stipulated the following:

- The President is required to submit an annual report on the national security strategy.
- Based on the above the Chairman of JCS is required to prepare a holistic military strategy taking into account the resource availability.
- In order to enable the JCS prepare the contingency plans the Secretary of Defence is required to provide written policy guidance including the political assumptions.
- In order to undertake meaningful review of contingency planning Under Secretary of Defence for Policy has been tasked to assist the Secretary in his work on contingency plans.

Resource Use The procedure at the DoD for the selection of military objectives was vague and ambiguous, hence resource planning in the US suffered. Resultantly each Service pursued its parochial interests rather than broad strategic inter departmental vision while finalising its resource programmes. The GNA has armed the Chairman with enhanced responsibilities in consonance with his role of providing independent military advice to the Secretary of Defence. Two of the more important duties are mentioned below:

- Advise the Secretary of Defence with regards to the priorities of combatant commands.

- Validate and advice if the programmes and budgets of the military departments conforms to the strategic plans and the priorities articulated by the Combatant Commanders.

The Chairman has also been empowered to submit alternate plans and recommendations to the Secretary of Defence. The studies conducted post implementation of GNA to assess the viability of the Act with regards to use of resources has not been very encouraging. The outcome of the GNA reforms has not met the desired expectations. It is a work in progress.

Enhance the Effectiveness of Military Operations One of the reasons for the operational failures discussed in the beginning of this chapter was inability to implement the concept of unified command. The GNA has sought to enhance the operational effectiveness of United States military by addressing the problem at two levels; viz. the Chairman and the Combatant Commanders. The Chairman has been made responsible for preparing the joint doctrine and joint training policies. The Combatant Commanders' powers over their component forces have been enhanced by the provision that the Secretaries of the military departments have to assign all forces under their jurisdiction to the Combatant Commanders⁴⁵, except for those forces needed to carry out the twelve service functions⁴⁶. The Act further reinforced the Combatant Commanders' authority allowing them to organise and prepare their respective commands, employ forces, assign command functions to subordinate commanders, coordinate and approve aspects of administration and support, select and suspend subordinates and convene courts-martial. They have now been given authority over areas over which they had limited influence prior to the enactment of GNA.

There is now conclusive evidence to prove that enhanced concentration of powers in the Chairman and in the Combatant Commanders and

⁴⁵ Goldwater-Nichols Department of Defence Reorganization Act of 1986, Conference Report (99-824), Op. Cit, 23.

⁴⁶ Ibid, 23, 46,56,68. The twelve functions are: recruiting, organising, supplying, equipping, training, servicing, mobilising, demobilising, administering, maintaining, construction, outfitting and repair of military equipment, and construction, maintenance, and repair of real property.

dilution of the authority of the Service Chiefs has had a positive effect on the operational and peace time activities of the US armed forces⁴⁷.

Conclusion

The US military has had some spectacular successes post implementation of the GNA. A number of factors have played a decisive role in cementing the pre-eminent position of the US military in the world and not least amongst them has been the contribution of the GNA. Many public assertions by defence officials and senior military officers have substantiated the manner in which the GNA has transformed and revitalised the military profession. That notwithstanding, no Act can be a panacea for all ills. The security threat to a country has to be continually evaluated and measures to preclude those threats identified. Implicit in the measures are the decision making structures and processes. The US is constantly evolving its HDO and its decision making processes to provide its decision makers with the best possible staff support. The enactment of GNA was one such landmark measure. In a world of constantly changing security dynamics, the manner in which the US has tried to keep its HDO and the decision making processes current in the last two decades since the security threat has metamorphosed from conventional to predominantly from non state actors would be the subject of study in Chapter IV.

⁴⁷ Locher, James R. III (1996), "Taking Stock of Goldwater - Nichols", J F Q Forum, Autumn 1996, 10-16.

CASE STUDY

COLIN POWELL

Colin Powell was the 12th Chairman of the JCS, from October 01, 1989, to September 30, 1993. Powell is considered by many as possibly the most powerful and the most influential Chairman of the JCS in the history of that office, by virtue of the expanded powers available to him under the Goldwater-Nichols legislation of 1986 and his own personality and experience⁴⁸.

In order to understand the functioning of US 'Chairman JCS model' the chapter highlights certain facets of General Powell's military career and some critical decisions he had taken and their impact⁴⁹. An aspect of General Powell's career which stands out in the context of the monograph is the duration of command and staff (quasi-political) assignments held by him. Notwithstanding a very distinguished career that he had, General Powell had very limited command experience. He has mentioned in his autobiography that he commanded a company for a couple of months, a battalion and a brigade for a year, skipped a division, and ran out on a corps after just five months⁵⁰. He became only the third general since World War II, joining Dwight D. Eisenhower and Alexander Haig, to reach four-star rank without ever serving as a division commander⁵¹. In comparison Powell had extended staff (quasi-political) appointments. His first exposure to such appointments was

⁴⁸ Bernard Trainor in Desch, Michael C. and Weiner, Sharon K. ed. (1995), "Colin Powell as JCS Chairman: A Panel Discussion on American Civil-Military Relations", Working Paper No 1, The John M. Olin Institute: Washington, DC.

⁴⁹ The chapter relies heavily on Colin Powell's autobiography, "My American Journey", to study and analyse his rise and tenure as the Chairman, JCS. The aim is to highlight issues and incidents which are correct by his admission and there is no doubt about the veracity of the facts from his stand point.

⁵⁰ Powell, Colin and Persico, E. Joseph (1995), "My American Journey", New York: Random House, 329.

⁵¹ Wikipedia (2014). "Collin Powell", [Online: Web] Accessed 03 February 2014, URL: http://en.wikipedia.org/wiki/Colin_Powell.

as a White House Fellow⁵² in 1972-73 as Lieutenant Colonel. Thereafter he became the Executive Assistant to John Kester, Special Assistant to Secretary of Defense, in 1977 in Pentagon in the rank of Colonel. In 1978 as Brigadier General he was initially Assistant to Charles Duncan, Secretary, Department of Energy and later in 1979 moved as Military Assistant to W. Graham Claytor Jr., Deputy Secretary of Defense in Pentagon. Colin Powell continued as Military Assistant to the new Deputy Secretary of Defense, Frank Carlucci, when Reagan became the President after Jimmy Carter. By the time he finished with this appointment, Powell had completed approximately four years in the Pentagon and one year at the White House. In Jun 1983 in the rank of Major General, Powell was back in the Pentagon as Military Assistant to Secretary of Defense, Casper Weinberger. This was after two short tenures outside the Pentagon lasting eleven months. After his two years tenure as Military Assistant to the Secretary of Defense, Colin Powell was considered for assignment of Divisional commander, however, in deference to the views of then Secretary of Defense he continued as his Military Assistant till he was promoted as Lieutenant General and Corps Commander in March 1986 having spent two years and ten months in Pentagon. Approximately five months into his command Powell was moved as Deputy Assistant to the President for national security affairs in December 1986. On November 05, 1987, President Reagan announced the appointment of Lieutenant General Powell as the President's NSA. Powell was the NSA from November 23, 1987 to January 20, 1989. On October 01, 1989 Colin Powell took over as the 12th Chairman of the JCS. On the day he was the most junior of the fifteen four stars legally eligible for the Chairmanship. His fourth star had been on his shoulder for barely four months⁵³.

Colin Powell rise in the Service and many of his decisions and actions in his long and distinguished career has been subject of studies and discussions. He has been described variously, but one that is of interest

⁵² This is a programme to expose young comers, particularly from the private sector, to the federal government at the highest level. The goal was to give future American leaders a better appreciation of how public policy was shaped and how their government operated.

⁵³ Powell, Colin, Op. Cit., 151- 408.

to the subject of monograph is of him being a 'political general'. One of the reasons, why Powell was selected over other eligible four stars for the appointment of the Chairman was because he knew his way around the Pentagon and the White House⁵⁴. Eisenhower, Marshall and MacArthur are also who are referred to as 'political generals', however, there is one interesting distinction between them and Powell; the others came up the military ranks through a military route whereas Colin Powell came up only to a certain point along the military route. Then he branched off when he became a White House Fellow. Thereafter, his rise to the top of the heap was pretty much along political lines and with the political assistance of those whom he served. In doing this, he became an insider who was able to maximise the powers entrusted to him under Goldwater-Nichols⁵⁵.

Information is Power

During Powell's tenure as the Chairman, Cheney was the Secretary of Defence. During one of his interactions Cheney informed⁵⁶ that Powell was inclined to funnel all the information coming to the Secretary. Cheney further told that he expected the information to come from other sources as well. The point Cheney was trying to remind Powell was that as Chairman and senior military advisor it was Powell's obligation to give his counsel to the Secretary and not funnel and filter other sources of information. This was a legitimate concern of the Secretary of Defence.

Powell on the other hand as Chairman of the JCS was concerned that on no occasion should the US armed forces be required to operate on military advice or information of which he was unaware. Therein lies the importance of information and the manner in which it is shared by the appointments. Structures and processes do help to streamline the flow of information but at highest level many of the issues are resolved through good inter-personal relations and understanding of personalities.

⁵⁴ Ibid.

⁵⁵ Bernard Trainor in Desch, Michael C. Op. Cit.

⁵⁶ Powell, Colin Op. Cit., 425-426.

Chain of Command Operation Just Cause

US invasion of Panama in December 1989 was code named Operation Just Cause. During the conduct of the operation Powell mentions in his autobiography that the chain of command was clean and clear. The President talked to Cheney (Secretary of Defence); Cheney talked to Powell (Chairman of the JCS), and Powell talked to Max Thurman (Combatant Commander, US Southern Command)⁵⁷. Although, the provisions of GNA allows the President to direct all communications between himself or the Secretary and the Combatant Commanders go through the Chairman⁵⁸. Are the checks and balances steadfast to ensure the spirit of the Act is not subverted and the Chairman does not interject himself between the Secretary and the Combatant Commanders taking advantage of any weak link that may be present?

Reduction of United States Armed Forces

In 1994 the East European block was fast disintegrating. Consequently a decision was taken in the US to reduce its military. Colin Powell writes in his biography that it was he who initiated the proposal for reduction. He mentions that he did take the Service Chiefs into confidence and discussed the reduction with them. However, when it came to final decision from the President, he went ahead and presented his plan, "Strategic Overview – 1994". The presentation to the President had specifics of the proposal about which he had not consulted the Chiefs. Powell accepts that he had blindsided the Chiefs, a mistake he intended not to repeat again in the future⁵⁹. The provision of the GNA makes the Chairman the principal military advisor to the elected representatives. He is not duty bound by the Act to present the consensus view of the JCS; however, he is required to present dissenting view if any⁶⁰. In this case the Chairman did not go through the motion of

⁵⁷ Ibid., 429.

⁵⁸ See Note 40.

⁵⁹ Powell, Colin Op. Cit., 435-440.

⁶⁰ Under the GNA, Chairman is the principal military adviser. He does not have to take a vote among the Chiefs before he recommends anything. He does not even have to consult them, though it would be foolish not to do so. See Ibid., 435-447.

discussing the reduction of forces plan in totality with the Chiefs. This action of Colin Powell was more in the mould of the Chief of Defence Staff (CDS) model followed in the United Kingdom where the CDS has more decision making authority than the Chairman is supposed to have in the US Chairman of the JCS model. Did Colin Powell over step his authority in this extremely important peace time administrative matter which may have serious operational consequences? What is the difference between the manner in which the Chairman in the US and the CDS of the United Kingdom (UK) supposed to act given both are principal military advisors to their respective governments and the decision at this level are taken by the elected representatives?

Coup in Philippines

On intervening night of November 29/30, 1989, US received a request from President Corazon Aquino of the Philippines for military intervention against a military coup which was underway. Colin Powell informs that he prepared a plan of action by the US military which was subsequently agreed upon by the Secretary of Defence and the President and implemented. Although no bombing or shooting took place but the US warplane did take to skies and on the direct instructions from the office of the Chairman JCS⁶¹. The chain of command followed in this instance was from the President to the Secretary of Defence to the Chairman to the combat unit. Was this another instance of Chairman acting beyond the scope of the provisions of the GNA by passing instructions directly to the combat unit and acting more like the CDS of the UK?

Operation Desert Storm

One of the highlights of Powell's tenure as the Chairman was Operation Desert Storm launched in 1990 when Saddam Hussein invaded Kuwait. A study of Powell's actions during the period gives an insight into the functioning of the Chairman during a war like situation. By his own account, one gets a sense that Powell's actions were more like that of a commander in charge of an operation rather than that of an adviser

⁶¹ Ibid., 440-443.

to the Secretary of Defence and the President. He seems to have 'ordered' and 'instructed' more than just 'co-ordinated' during the war.

An aspect which 'forced / assisted' Powell to perhaps overstep his brief as a Chairman during the war was the poor standing of Norman Schwarzkopf, Commander, Central Command (CENTCOM), in the higher echelons of then decision making structure. The NCA was in large measure beholden to Powell because he was a military expert and because they had a certain amount of distrust in Schwarzkopf. They depended on him to make sure that Schwarzkopf did not make any terrible or catastrophic mistakes. On the other hand, Schwarzkopf, knowing that his standing in Washington was not particularly high, was also beholden to Colin Powell and therefore never challenged him⁶².

During the war Schwarzkopf gave his assessment of situation and briefed his plan both to the Secretary of Defence and to the NSC and also conducted the operations. However, in number of cases Powell, the strong Chairman that he was, was able to enforce his recommendations. Two instances particularly stand out, selection of the day to launch operations and the timings to terminate operations. In the later case many in the military hierarchy were convinced that the US military had perhaps not achieved its objectives. Does this make a case of Chairman overstepping his authority? Even more concerning is the issue of him having tremendous authority and influence but very limited operational responsibility.

Questions for India

Powell's actions and decisions discussed in the chapter in light of his career progression raises some important questions for India.

- What is the difference between the Chairman of JCS and the CDS? Given the powers of the various provisions of the GNA and under certain specific circumstances is it possible that the difference between the two appointments diminish?
- Is the US model of Chairman of JCS suitable for Indian conditions and if not what possible variation to the model can be considered?

⁶² Trainor, Bernard, in Desch, Michael C. Op. Cit.

- Is 'usurping' of power by Powell as understood from actions discussed in the chapter undesirable? Is there a possibility of Chairman subverting the system in case there is a weak personality either as Secretary of Defence or Combatant Commanders/Chiefs? If so what kind of checks and balances need to be incorporated in the system?
- Will the Indian military system be insulated enough from political interference in consideration of promotions and transfer of officers and more importantly in the selection of the Chairman or the CDS as and when appointed?

THE NATIONAL SECURITY SYSTEM REFORMS

The NSA and the GNA were landmark legislations which have transformed the DoD and the manner in which the US military operates. The NSA and the subsequent amendments created an organisation, largely centred around the military, to provide advice to the President on the national security issues and military response to security threat. Without doubt the two had a profound impact on the structure of the HDO, the role and authority of the principal appointments and the relationship between these appointments. In the last two decades the world has witnessed new security challenges. The catastrophic events of 9/11 and its subsequent investigations have identified the lack of interdepartmental and interagency co-ordination as one of the primary reasons for the disaster. The wars in Iraq and Afghanistan have also underscored the changing nature of warfare and the requirement of 'whole of government' approach to deal with future challenges. The changing thought process envisages the military would continue to fight 'jointly' as was envisioned by the enactment of the GNA, but there would be a need for far greater co-ordination of all departments and agencies to develop a synergy in the national effort. The contemporary challenges necessitate a whole of government approach and not just the military response. There are many who perceive serious deficiencies to counter current challenges based on existing organisational and conceptual frame work. The US needs to undertake new reforms.

This chapter is an attempt to study the direction in which the reforms to the national security are headed and the place of the HDO in the national security structure of the future. The reforms which have been discussed in the chapter are at the level of the NSC and the National Security Staff (NSS) which *per se* are not the subject of the monograph. However, the understanding of the reforms to the HDO of the US would be incomplete without a brief mention of the reforms to the NSC and the NSS.

National Security System and the Realisation of the Need for Reform

The NSC and the staff came into existence post implementation of the NSA. Although, there have been some changes to its structure and the functioning ever since its inception, to suit the requirements of the Presidents, of the day and the challenges to the national security; the fundamental manner in which the NSC functions or its role has not changed. Even the manner in which the US approaches its national security requirements has not changed. This despite the radical way in which the security situation has altered since the end of the Cold War and the coming to fore of the non state actors and terrorist groups. As a result of this lack of change in the structure and functions of the NSS, ‘the NSS remains focused almost exclusively on policy development, staffing the President, and crisis management rather than the long-term strategic view’⁶³. The NSC continues with its largely advisory role and supports the Presidents to integrate domestic, foreign and military policies relating to national security. The NSS has continued to function in the manner it has because of the under mentioned reasons⁶⁴:

- An enduring narrow interpretation of the statutory language of the NSA of 1947;
- Persistent lack of whole-of-government perspectives in the departments and agencies that is encouraged and underwritten by congressional oversight;
- Lingering post-Contra concerns about getting the NSS involved in operational matters;
- Insufficient NSS size and resource support.

Since the calamitous events of 9/11, the US has been drawn into military operations and in post war reconstruction activities in Afghanistan and in Iraq. These events have had major lessons for the decision makers. Amongst the lessons of the war has been the realisation that mere

⁶³ LeCuyer, Jack A. Op. Cit. , xiii.

⁶⁴ Ibid., 37-38.

military response would not be sufficient to deal with potential challenges. A whole of government approach with greater interdepartmental and interagency co-ordination would be the way forward and the reforms for this have to start at the very top.

Reforms at the Very Top President Barrack Obama issued Presidential Policy Directive-1 less than one month after his inauguration. Herein the NSC has been identified as ‘the principal means for coordinating executive departments and agencies... This policy directive structures the NSC in such a way that the NSC staff would have firm control over the timing, agenda, preparation for, and dissemination of NSC meetings and products. Importantly, Presidential Policy Directive-1 effectively establishes the NSA and the NSC Staff as the key whole-of-government integrators at every level of the four-tiered NSC system and, by extension, gives the White House control over the national security policy process⁶⁵. The directive is in sync with the developing thought process which postulates the necessity to centralise the policy formulation and security management functions in the highest echelons of nation’s decision making structure similar to the manner in which the authority of the military decision making had been concentrated in the office of the Secretary of Defence and his advisor, the Chairman of the JCS by the NSA and the GNA.

Former NSA General James Jones recognised early in his tenure the requirement to centralise the authority of policy making in the highest echelons and to present a whole of government approach to any kind of security threat. In a memorandum dated March 18, 2009, he asserted: “The US must integrate its ability to employ all elements of national power in a cohesive manner. In order to deal with the world as it is, rather than how we wish it were, the NSC must be transformed to meet the realities of the new century⁶⁶. Jones’s call for transformation

⁶⁵ Auerswald, David (2011), “The Evolution of the NSC Process,” in Roger C. George and Rishikof, Harvey (eds.), *The National Security Enterprise: Navigating the Labyrinth*, Washington, DC: Georgetown University Press, 47. See *Ibid.*, 42-43.

⁶⁶ Memorandum from the Assistant to the President for National Security Affairs (General James L. Jones), “The 21st Century Interagency Process,” March 18, 2009, available from foreignpolicy.com/files/nsc_memo_21.pdf. General Jones was a member of the Guiding Coalition for the Project on National Security Reform prior to becoming the National Security Advisor in December, 2009.

was echoed in the NSS issued in May 2010⁶⁷ and again in the President's State of the Union Message in January 2011⁶⁸. General Jones memorandum 'set the stage for more active role for the NSC and the staff to manage the national security system,' he reaffirmed 'the purpose of the NSC system and interagency process: as the President directed in Presidential Policy Directive (PPD)-1, the NSC is responsible for managing the interagency process with respect to all national security related issues'⁶⁹. In a clear departure from the earlier role, which was more of advisory and expected the NSC to undertake coordinating role, and the NSS is now expected to manage the interdepartmental and interagency processes.

On May 27, 2009, pursuant to Presidential Study Directive 1 (PSD-1), Organising for Homeland Security and Counterterrorism, the Obama administration announced a major structural realignment that combined the NSC and the Homeland Security Council (HSC) staffs into an integrated NSS⁷⁰. The merger also resulted in opening up of new offices, 'for cyber security, for terrorism involving weapons of mass destruction, and for "resilience" — a national security directorate aimed at preparedness and response for a domestic weapon of mass destruction attack, pandemic or natural catastrophe'⁷¹. The PSD-1 also directed to create a 'single Executive Secretariat to eliminate competing stovepipes and maximise administrative efficiencies'⁷². The overall aim of the reforms is to create a system of systems with NSC and the

⁶⁷ President Barack Obama, National Security Strategy, May 2010, 14-16. LeCuyer, Jack A. Op. Cit., 43-44.

⁶⁸ President Barack Obama, State of the Union Speech, January 25, 2011, available from www.whitehouse.gov/the-press-office/2011/01/25/remarks-president-state-union-address. President Barack Obama, National Security Strategy, May 2010, pp. 14-16. LeCuyer, Jack A., Op. Cit., 43-44.

⁶⁹ Ibid.

⁷⁰ Ibid., 37-38.

⁷¹ Hsu, Spencer S. (2009), "Obama Combines Security Councils, Adds Offices for Computer and Pandemic Threats", Washington Post, 27 May 2009, [Online:web] Accessed December 24, 2013) URL: <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/26/AR2009052603148.html>.

⁷² PSD-1 Decision Memo Organising for Homeland Security and Counterterrorism Findings and Recommendations, May 8, 2009.

NSS as the systems' manager. Integrating various staff and bringing about greater centralisation in policy making and decentralisation in execution of the policies using 'single Executive Secretariat' will 'eliminate competing stovepipes and maximise administrative efficiencies'.

Operating Principles The Obama administration has initiated the process to reform the manner in which the security emergencies would be handled. Measures to merge NSC and HSC and form single Executive Secretariat to formulate national security policies and manage and coordinate the resources of the US departments and agencies have been initiated. It would be fair to assume that the operating principles of the new NSS include the following⁷³:

- The NSS *operates* from an integrated, collaborative, whole-of-government/whole-of-nation, presidential perspective rather than a department or agency-specific perspective.
- The NSS *leverages* the integration of all instruments of national power across the full spectrum of NSS end-to-end management functions. Those functions include policy formulation, strategy development, planning and resource guidance to the departments and agencies, alignment of resources with strategy and national security missions, oversight of strategy and decentralised policy implementation, and interagency performance assessment and accountability.

Present Status of the Reforms

The reforms which challenge the entrenched interests and the existing state of affairs are always difficult to execute. Many established practices need to be dismantled and important appointments require to move out of their comfort zone. So is the case with NSC and NSS reforms notwithstanding the admirable purpose behind the reforms.

Consequent to the promulgation of the Presidential directive the NSS was expected to provide strategic guidance for the departments and

⁷³ LeCuyer, Jack A. Op. Cit.,48-49.

agencies to plan their resources in line with national security missions, perform the duties of systems' manager and undertake oversight for policy implementation and assessment of interdepartmental and inter agency strategy, policy and implementation outcome. This is easier said than done. For the NSS to undertake above mentioned responsibilities there would be a requirement of organisational restructuring. The Obama administration has given no such indications. The NSS almost wholly focuses on policy formulation and no effort has been made to redefine the statutory authorities of concerned appointments and place the NSA and the NSS in the chain of command between the President and the departments.

The announcement for fresh approach to counter security threats has not been backed by concrete reforms. The existing security architecture is incompatible with the requirements of the Presidential directive; is incapable to ensure that the appointments undertake the assigned responsibility. It would require political sagacity, determination and bipartisan support of the type displayed during the enactment of the GNA for the reforms of this nature to see the light of the day. However, the beginning has been made.

LESSONS FROM UNITED STATES REFORMS

The story of military reforms in the US is one of attempts to subordinate the military departments to centralised control of the OSD against the 'separatist' approach taken by the Services. The Services on the other hand have endeavoured, though unsuccessfully, to retain their relative autonomy enjoyed in the days of World War II. This is also the story of 'enlightened' few, civil and military officials, who have, despite stubborn resistance from many quarters, stood for what they thought is good for the country. The story of reforms also highlights a fact that no reform is complete unto itself; it is a process in continuation.

In US the predominant orthodoxy of the debate has been to ensure continued control by the elected / political representatives – Congress and President of the military yet create structures that ensure political authority is privy to considered military advice. The balance is created by integration and unity of control. Attempt has been to remove stove piping in the system. There has been no debate on relative power sharing or supremacy or otherwise of civil bureaucracy over the military or vice versa as it is understood in India. The bureaucracy it seems is totally integrated with the department to which they are posted, whether it is the central secretariat of the Secretary of Defence or of the JCS or of the Services. This is perhaps because of the administrative system being followed in the US. Debate over the relative powers of the bureaucracy and the Service officers seems to be a phenomenon unique to India and the UK, from whom we have inherited the system.

US because of its reforms to its military has been able to co-ordinate the functioning of the Services. In the present day scenario effective counter to security threat requires whole of government approach rather than just military response. This has necessitated US to undertake the next set of reforms wherein the endeavour is to integrate all the departments and agencies of the government. In order to develop integrated response of the departments and agencies the US is facing much of the similar problems as it did in integrating the Services.

Several themes stand out in the history of military reforms in the US; these include strengthening the position of the civilian elected representatives and the Chairman of JCS and consequent reduction of the powers of the Service Chiefs, besides other themes. India has much to learn from these reforms. Discussed under are some of the important issues which have lessons for India.

Overhauling the HDO and Strengthening of Civilian Control

The idea of civil supremacy over the military in the US is not merely control of the military by civilians. It is the subordination of the military to the people through their elected officials, the Congress and the President⁷⁴. The US tradition of civil supremacy over the military⁷⁵ has its roots in the British Bill of Rights of 1689, which in peacetime prohibited standing armies within the UK without consent of Parliament⁷⁶. The US Constitution reinforced this tradition by granting to the Congress, not the President, the power to raise, support and regulate armed forces⁷⁷, and making the President Commander-in-Chief only of those forces Congress places at the President's disposal⁷⁸. The context raises two pertinent issues with regards to the lessons India can learn; firstly from the constitutional provisions of allocating war powers between the Congress and the President and secondly from Congress's constitutional authority to raise, support, regulate the use of armed forces and to terminate war and war like situations. What should be the role of the Indian Parliament, government and bureaucracy with regards to the raising, maintaining and employment of the Indian Armed Forces? Is there a need of a more active

⁷⁴ Fiore, Uldric L. Jr. (1998), "The Road Not Taken: Defense Secretariat Reform", Strategy Research Project, Carlisle Barracks: U.S. Army War College.

⁷⁵ For a thorough, well-documented history of the American Civil Supremacy tradition through 1950, read Tansill, William R. (1951), "The Concept of Civil Supremacy in the United States," Public Affairs Bulletin 94, Washington, D.C.: Library of Congress Legislative Reference Service. Tansill's monograph is an invaluable historical resource. See *ibid*.

⁷⁶ *Ibid*.

⁷⁷ Constitution of the United States, Article I, § 8. See *Ibid*.

⁷⁸ Constitution of the United States, Article II, § 2. See *Ibid*.

participation of the Parliament on politico-military issues of strategic importance to the nation and greater accountability of the elected representatives, bureaucracy and the military officials to the Parliament and the Parliamentary Standing Committee on Defence? Is the greater involvement of the Parliament good for national security and more effective and truer control of the military by the elected representatives? All this needs deliberation.

The civil-military relations and defence management of any country must evolve as the country evolves its governance models and management practices which in some measure are a result of economic advancements and proliferation of education amongst its citizens. The nature of the security threats and the aspirations of the people with regard to the governmental decisionmaking process will also impact on the nature of higher defence management of the country. This is particularly true of India which has seen unprecedented growth in economic field in the recent past as also growing threat posed by non-state actors, terrorists and insurgents for instance, resulting in greater concern for security issues. The employment of armed forces in aid to civil authority in disturbed areas adversely impacts the human rights of the people in the area. The recent call by a member of a political party on referendum with regards to the deployment of the Indian Army in Jammu and Kashmir⁷⁹ is perhaps not the best suggestion under the present security situation but is definitely reflective of the nature of things to come. The citizens with increased education levels and greater awareness of security related issues would demand greater transparency on decision making by the government and participation in the decision making process. The veil of secrecy currently hangs over many of the decisions of the government, on the reports of study teams, committees and on action taken reports because of concerns for 'national security and interest'. This includes the Group of Ministers Report compiled post Kargil War and the Naresh Chander Committee Report. This approach is incongruous in the day and age of media activism and

⁷⁹ Times News Network (2014), "Prashant Bhushan for referendum on Army's J&K deployment", The Times of India, January 06, 2014, [Online: web] Accessed January 15, 2014, URL: <http://timesofindia.indiatimes.com/india/Prashant-Bhushan-for-referendum-on-Arms-JK-deployment/articleshow/28451882.cms>.

inspired and motivated leaks in the government departments when much of the contents of many of the reports do find their way in public domain. Such uncorroborated reports have the potential to generate debate and passion which may compel the government to take decisions which may not be in the best interest of the country. This calls for an overhaul of the national security architecture and the manner in which the business of national security is transacted by the government. Greater transparency through institutionalised reporting by government agencies and greater civilian control over the raising, maintenance and employment of the military through the Parliament needs to be debated to improve participative governance by the citizens. This would of course mean relative reduction in the authority of some of the appointments in the present executive set up.

Comparative study of the civilian control of the US military to the control of the Indian Armed Forces by the MoD and the government underscores some of the issues of civil military relations in India, including often reported angst of the Services that they are accountable to the elected representatives and not to the bureaucracy. A deeper analysis of the functioning of the Indian MoD would emphasise the causes of many of the reasons of friction between the military and the bureaucracy. A greater 'civilian control' of the military through the parliament and greater transparency in the functioning of the ministry and the government would perhaps mitigate some of the problems highlighted here.

Strengthening of the Appointment of the Secretary of Defence

The appointment of the Secretary of Defence was created consequent to the enactment of the NSA. The NSA was a compromise solution with a few inadequacies, amongst them was a 'weak' Secretary of Defence. In order to strengthen the appointment of the Secretary of Defence the subsequent amendments ensured the status of the service secretaries was reduced to sub-cabinet status level and they no longer formed part of the NSC. With the enactment of the GNA the Secretary of Defence came on his own. The GNA has two provisions which have lessons for India concerning the strengthening of the appointment of the Secretary of Defence. The provisions ensure that the Secretary of Defence and his representatives by promulgating two written classified documents involve themselves early on in the planning process

thereby making certain effective civilian control over all the activities of the military. Secondly, the GNA has provided the Secretary with an important ally, the Chairman of the JCS.

Defence Planning Guidance⁸⁰ and Contingency Planning Guidance⁸¹ are two classified documents initiated by the Secretary of Defence which empowers him to establish criteria upon which the Services and other DoD components base their programmes. These documents ensure primacy to the policies of the civilian leadership. By involving himself early in the planning process, the Secretary of Defence maintains effective civilian oversight throughout the planning process and its subsequent implementation. In India considering the veil of security that shrouds the defence establishment the public at large is not aware if there is any such comparable system to exercise Raksha Mantri's control over the three Services. If not, it is time that India too may consider similar practice of promulgating documents which are considered necessary and have paid rich dividends to countries following the system.

In order to strengthen the position of the Secretary of Defence the drafters of the GNA provided him with an important ally in Chairman Joint Chiefs of Staff. This has been ensured by organisational

⁸⁰ **Defence Planning Guidance.** The Secretary of Defence, with the advice and assistance of the Chairman of the JCS, shall provide annually to the heads of DoD components written policy guidance for the preparation and review of the program recommendations and budget proposals of their respective components. Such guidance shall include guidance on—

- a. national security objectives and policies;
- b. the priorities of military missions; and
- c. the resource levels projected to be available for the period of time for which such recommendations and proposals are to be effective.

See Goldwater-Nichols Department of Defence Reorganisation Act of 1986, Conference Report (99-824), p. 5. Lovelace, Douglas C Jr. Op. Cit., 80.

⁸¹ **Contingency Planning Guidance.** The Secretary of Defence, with the approval of the President and after consultation with the Chairman of the Joint Chiefs of Staff, shall provide annually to the Chairman written policy guidance for the preparation and review of contingency plans.

See Goldwater-Nichols Department of Defense Reorganization Act of 1986, Conference Report (99-824), p. 5. Ibid.

restructuring of the HDO and making the Chairman the principal military adviser to the Secretary of Defence. The Chairman has been freed from the necessity of negotiating with the Service Chiefs, and now his institutional perspective is similar to that of the secretary⁸². An inadvertent consequence of making the Chairman the principal military adviser is that he presents a new dimension to civil-military disputes. Post implementation of GNA the policy disputes are now generally between the Secretary and Chairman on one side, and the Services on the other; such debates are no longer civil-military in nature⁸³. This has definitely enhanced the powers of the Secretary of Defence who no longer has to confront the Service Chiefs alone. Also the discussion now is on the level of joint defence rather on individual Service perspective.

There are some who are critical of inadvertent consequences of reforms. According to them, the very provisions which have enhanced the authority of the civilian leadership have eroded the civilian control of the military⁸⁴. The drafters of GNA had hoped for a Joint Staff that was as capable as the OSD. Regrettably, on occasions the Joint Staff has proved to be “*more* capable than the staff of the Secretary of Defence... The weaker performance of the OSD— leading to an imbalance between the influence of that office and the Joint Staff — has diminished the civilian voice in decision making”⁸⁵. Notwithstanding the mentioned arguments, in the official DoD report on the Gulf War, the then Secretary of Defence noted that the conflict was the first test of the Act in a major war and ‘the lessons of the Persian Gulf War provide evidence that the GNA strengthened civilian control over the armed forces’⁸⁶. And there is no better test than successes in war.

⁸² Locher, James R. III (2001), Op. Cit., 106.

⁸³ Ibid., p.109.

⁸⁴ Kohn, Richard H. (1994), “The Crisis in Military-Civilian Relations”, National Interest, Spring, 3-17.

⁸⁵ Locher, James R. III Op. Cit., 109.

⁸⁶ Office of the Secretary of Defense (1991), Conduct of the Persian Gulf War, Interim Report to Congress, U.S. Government Printing Office: Washington, DC, 26-1, 26-2.

Is there a Requirement of Service Secretaries?

Indian discourse on defence reforms is actively considering merging the Service Headquarters with the MoD as separate departments. Will there be a requirement of Minister of State for each of the three Services, similar to Service Secretaries in the US? An assessment of this nature has to be approached from the following perspective⁸⁷:

- Maintenance of civil supremacy over the military.
- Ability to incorporate modern organisational and management systems, and accommodate future innovation.
- Eliminate duplication and unnecessary layering.

Although, the dominant view amongst the strategic community in the US is that the appointment of the Service Secretaries has become redundant, the critics of the reforms argue that inevitable drawdown of budget will lead to reduction of many civilian appointments leading to reduced civilian control over the military. Abolishing the appointments of Service Secretaries would further exacerbate the situation. It seems the civilian control is being equated with the number of civilian appointments in the DoD. The move of abolishing the appointment of the Service Secretaries would also deny the Secretary of Defence alternate viewpoints and competing visions which the Service Secretaries bring on the table and are essential for decision making.

The appointments of Service Secretaries are legacy of days prior to the enactment of the NSA. They were the primary means of exercising civilian control over the military in the absence of Secretary of Defence. How have the appointments of Service Secretaries fared since the enactment of the GNA and resultant enhancement of the influence of the Secretary of Defence? The increased authority of the appointment of the Secretary of Defence has been validated both during war and peace and is considered capable of exercising adequate civilian control over the military. "The office of the secretary of defence is more than

⁸⁷ Fiore, Uldric L. Jr. Op. Cit., 17-18.

capable of exercising civilian control of the military... You could do away with [service secretaries] tomorrow, and no one would miss them⁸⁸. The Service Secretaries and their staff are considered by many as additional layer of bureaucracy resulting in increased inefficiency and delay in many of the crucial decisions. Despite obvious negatives the US has not been able to do away with the appointments is because of larger ‘political and practical infeasibility’⁸⁹ of the move. If and when the Government of India decides to merge the three Services with the MoD it would do well to debate the idea of separate ministers in charge for each of the three Services and then take a considered decision.

Strengthening Authority of the Chairman of the Joint Chiefs of Staff

The NSA, despite being a breakthrough in military reforms, failed to address a major concern of the time, i.e. create an appointment of the Chairman of the JCS. Analysis of the Act carried out subsequently attributed low level of jointness amongst the Services and inadequate military advice to the President, Secretary of Defence and the NSC to absence of a permanent and strong Chairman to control deliberations of the JCS. The NSA Amendments of 1949 tried to obviate the anomaly by creating the appointment of Chairman, though without command authority or vote within the JCS. The Defense Reorganisation Act of 1958 was again a compromise solution. Even though deliberations prior to the enactment had considered bestowing substantial authority in the appointment of the Chairman, the final Act was a much watered down version of the deliberations. The Defence Reorganisation Act of 1958 permitted the Chairman to appoint 400 officers, increase from 210 officers to Joint Staff as also assign duties to them but only “in consultation” and “on behalf” of JCS. The legislation also authorised the Chiefs to retain their right to assign duties to the Joint Staff. The operational setback to the US military in the

⁸⁸ Vinch, Chuck (1998), “AF, Army Keep Ticking Without Civilian Bosses”, Pacific Stars & Stripes, 1, quoting Lawrence Korb, former Under Secretary of Defence for Personnel & Readiness.

⁸⁹ Fiore, Uldric L. Jr. Op. Cit., 17.

1970s and 1980s became catalyst for reforms carried out in GNA. The provisions of GNA addressed many of the imperfections including strengthening the position of the Chairman and defining his duties in more concrete terms.

Today the Chairman of the JCS is the highest ranking military officer of the US Armed Forces. He is the principal military adviser to the President, the NSC and the Secretary of Defence. He does not, however, have any command responsibility. In performance of his duties he heads the JCS, an advisory body within the DoD. The Chairman consults other members of the JCS but is not duty bound to present the consensus opinion of the JCS. However, he must present divergent opinions, if any. The Chairman is assisted in his duties by the Joint Staff consisting of officers from all the Services. The Chairman enjoys the freedom to select officers on his staff and affect their transfers and promotions. He can order study without any reference to other members of the JCS. The Chairman as part of his duties assists the President and the Secretary of Defence in exercise of their command and administrative functions. For this he may act as a link in the communication chain from the President and the Secretary of Defence to the Combatant Commanders or the Service Chiefs as the case may be. The position of the Chairman has indeed undergone a metamorphic transformation since the promulgation of NSA in 1947.

There are important lessons for India. US model of 'Chairman of the JCS' with strong centralised military authority results in enhanced jointness amongst the Services and also ensures better quality of advice to all concerned. This is borne out by lessons learnt from the operations conducted post implementation of the GNA. Unity of command and advice is one of the basic principles of warfare and has become all the more important in the present situation when threat to a nation is wide ranging from conventional nuclear war to sub-conventional threat from non state actors, economic and cyber wars, etc. Second relates to the manner in which the position of the Chairman has been strengthened. In the US the requirement of a strong Chairman was felt way back in the 1940s; however the implementation was delayed because of two conflicting requirements. The Services and to some extent the political class were not in favour of a strong Chairman. The Services wanted to retain their position of pre-eminence and were not

keen to subordinate themselves to more powerful Chairman, which would be a natural consequence of bestowing the Chairman with greater authority. The political class were also uncomfortable with 'man in uniform' with substantial authority in the politico-military decision making structure. This is in sharp contrast to the desirability of having a single point military adviser with controlling / co-ordinating influence over the Services to fight modern day wars. Notwithstanding the concerns, necessary reforms were progressively undertaken over a period of over four decades since early 1940s till the implementation of the GNA. The recent military operations conducted by the US military have validated the requirement of a strong independent Chairman. The Indian decision makers have to keep in mind that there will always be reservations from some quarters but the necessity of the appointment in some form to suit local conditions cannot be done away with.

The Act also included measures to restrain the Chairman so that he does not become all too powerful and the JCS an inert organisation. There are inherent checks and balances in the system which provides for the dissenting views of the Chiefs, if any, to be forwarded to the Congress and also permits the Chiefs to approach the Congress, with regards to matters concerning their Services with permission of the Secretary of the Defence.

Reduction in Powers of the Service Chiefs

One of the unintended consequence of GNA has been tipping of the balance of power of respective Pentagon staffs away from the Services and OSD toward the joint arena⁹⁰. An analysis of the issue would suggest that reduction of the powers of the Chiefs is a natural corollary of increasing the authority of the Chairman and the Combatant Commanders. Same authority cannot be vested in two different appointments. During the World War II the Services and the Chiefs enjoyed a position of eminence in the US. Lessons of the war required some of their authority to be diluted to enhance jointness amongst the Services. Some of the old appointments had to lose authority and new appointments and structures were required to be created, in short

⁹⁰ Clark A. Murdock, Op. Cit., 17.

realignment had to take place. One of the main themes of reforms starting with NSA was centralisation of authority in the appointments of the Secretary, Chairman and the Combatant Commanders. Eisenhower lobbied both in uniform and subsequently as the President for greater unification. Truman also supported the views of Eisenhower. On the other hand there was a lobby in Washington which wanted less of unification in order to ensure greater control of armed forces by the Congress. Dispassionate, bipartisan arguments based on lessons of war stipulated centralisation of authority and enhancement of jointness amongst the Services. However, vested interest both within the government and the Services would have liked to continue with status quo, viz. retention of authority of the Chiefs amongst others. The persistence of the reformers paid with the implementation of the GNA when it was made clear that the collective role and the entire reason d'être of the Chiefs and the Services is to fulfil, as far as practicable, the current and future requirements of the Combatant Commanders⁹¹.

The concentration of powers in the Chairman and the Combatant Commanders and reduction of powers of the Chiefs was aimed to reduce Service parochialism. This process of reform has been slow and unsteady. There have been unexpected setbacks as happened during the Korean War. The 1949 amendment had attempted to reduce the status and position of the Service Secretaries and Chiefs. This attempt, however, fell short. By the end of Korean War the JCS had regained the lost ground. The JCS were able to return to dominant status of World War II because of their role in directing combat operations and their direct interaction with the President. A change of this nature will always be evolutionary. There would be occasions when the requirement of such a change would be abundantly clear to a military mind or perhaps even as a commonsensical argument, nevertheless such a change would be slow to come, because these reforms need to be initiated by the very appointments whose powers are required to be circumscribed. History bears testimony to the fact that it takes years of deliberations and incessant drive of a few strong personalities, civil and military, to change the nature of the higher defence management system.

⁹¹ Locher, James R. III (2001), Op. Cit., 108.

Enhancement of Jointness

The jointness amongst the Services in the US has been enhanced as a result of multiple actions at various levels. At the apex level of the military, the appointment of the Chairman was created in 1949 and later through a series of reforms his authority has been enhanced. One of the unstated objectives of the GNA was to colour the Chairman 'purple' and to elevate him to have a 'defence' outlook and not restrict him to parochial 'service' stands. This has been achieved by making him the head of the JCS and by providing him a Joint Staff over which he has absolute control. Though, he is bound by the provisions of the Act to consult the members of the JCS, he has a 'mind' of his own which he offers as advice to the Secretary of Defence, the NSC and the President. The GNA has made the Chairman responsible for running of various programmes and assisting the President and the Secretary of Defence control the operations of unified commands. For this, he maintains a direct communication with the headquarters of the Combatant Commanders with no interference from the Service headquarters. At the next level are the Combatant Commanders and the Service Chiefs. The Combatant Commanders have also been made 'purple' by allotting them forces from all the Services as per mission requirement. The Combatant Commanders have absolute control over the forces under their command and report to the Secretary of Defence for operational directions thereby are unshackled by the parochial Service interests. Prior to enactment of the GNA the component commanders from each of the Service had served as links to their respective Services and were prone to manipulation by their respective Service Chiefs. This anomaly was identified and Combatant Commanders have now been given the power of discipline and authority over the career progression over all the officers thereby ensuring absolute control and enhancing jointness. In all this restructuring, the Service Chiefs have been made managers of forces, wherein they raise, train, maintain forces as per requirement and provide to the Combatant Commanders on demand. This evolution of role and authority of the Service Chiefs has been a deliberate decision as it provides fewer reasons for turf wars. Lastly, the cause of jointness has been benefitted in large measure by the initiative of the officers who have taken upon themselves to tenet joint appointments as a means for career progression and developing future skill sets. All these actions have contributed to enhancing jointness.

Improvement of Military Advice

Prior to GNA the higher echelons of the US military worked in Services stove pipes. Initiatives in the Joint Staff went through multiple reviews by the staff in which each of the Services had a veto. These initiatives were reduced to lowest common denominator before the proposals reached the Chiefs, wherein necessity of unanimous agreement by the Chiefs further diluted many of the proposals. This resulted in the Secretary to rely on his civilian staff for advice when he could not get any from the military. All this has changed post GNA. To improve military advice the Chairman has been made the principal military adviser to the elected representatives. The GNA has transferred many of the duties previously performed by the corporate JCS to the Chairman and have assigned some new responsibilities. The higher defence management system has also been altered to ensure that the Chairman gets a holistic view of the defence forces to assist him fulfil his mandate. The Chairman may consult the Service Chiefs in the JCS and is in communication with the Combatant Commanders, thus ensuring he has the required inputs. In performance of his duties he has the assistance of joint staff from all the Services and has full authority over them. He has the authority to select his staff, transfer them and effect their promotions. Before the implementation of the GNA the Services controlled the promotions and the postings of the officers in the JCS and the combatant commands, as a result even if the government passed laws to reform the system not much changed in the way of functioning in the DoD. Lastly to improve the advice the bill's provisions provided for only the best qualified officers to be posted to the joint billets. Initially it was not taken seriously and implemented in strict sense by the DoD. The officers' initiative has helped the system in great measure. Good performance in joint billets, outside ones Service, has become a pre-requisite for career progression. The officers now attempt to improve their education qualifications and vie to undertake joint responsibilities thereby helping the cause of the bill. India can draw many important lessons from the reforms undertaken in the US military and the benefits accrued from those reforms.

Improvement in Administration and Management

During the Cold War the US military grew in size and organisation. The national war effort supported the evolution of multi-layered

defence and service bureaucracies — “civilian control” (in the guise of “management”) of the military. The Congress was a willing accomplice in this bureaucratic expansion. Since 1947, [Congress has] added not only the civilian Secretary of Defence but also a host of other civilian appointed officials within the office of the Secretary of Defence [and service secretariats]. Each new assistant secretary position authorised by Congress acquired a large staff of civil servants, a portfolio, an agenda, and a Congressional constituency⁹². At one stage the forty two people reported directly to the Secretary of Defence, and some Service Chiefs directly supervised more than fifty⁹³. The secretariats should largely perform oversight and coordination functions, with the increase in bureaucracies they started managing programmes as well. This results in large amount of duplication at almost every level of bureaucracy leading to inefficiency.

The reforms in the US have considered number of measures to improve the administration and management. GNA created mechanisms to supervise better the increasingly important defence agencies. It also reduced the number of officials in the OSD who reported directly to the Secretary. But OSD is still too involved in managing programmes rather than developing and overseeing policy. An important lesson for India is that the HDO should largely remain responsible for policy formulation, oversight and co-ordination functions. This would keep the strength of the staff of the HDO within manageable limits. Management of programmes is a function which should preferably be devolved to lower echelons as it has a tendency to create duplication of effort resulting in inefficiency.

Reform Process

One of the important take away of the study of US military is military reforms of large magnitude fructify only when there is an understanding and acceptance of the need for reforms at the very top of the political and military hierarchy. In the US a number of proposals for reforms were initiated even before the World War II, however, not much

⁹² Fiore, Uldric L. Jr. Op. Cit., 12-13.

⁹³ Locher, James R. III (2001), Op. Cit., 108.

progress was made. There were some very compelling lessons of the war which suggested enhancement of jointness amongst the Services and greater concentration of powers in senior most political and military appointment. Even though the US military did initiate some reforms after the war it did not go all the way, this despite strong advocacy from a few prominent military and political figures of the time. This was perhaps to do with the nature of the victory in the war. A major boost for reforms came in the late 1970s and early 1980s. Around this time US military had suffered major operational setbacks, shaking the collective faith of the nation in the military establishment. These setbacks acted as the catalyst for the next set of reforms. Four years of very public debate and numerous studies resulted in the enactment of the GNA. India can draw parallel with its history of reforms. In 1947 India inherited colonial national security architecture. The debacle in 1962 Sino-India war did initiate a debate with regards to the flaws in the system. However, the 'stalemate' in 1965 and victory in 1971 were setback to the process with the dominant orthodoxy of the time being the 'system is working well for us'. It was only after the Kargil War in 1999 that the military reforms were taken up in some earnest as decision makers, civil and military, realised that all was perhaps not well with the system after all. Some very important measures were introduced and implemented but the focus on reforms shifted soon after and military reforms have not been in centre of national discourse since then. The nature of warfare is dynamic and so should be the national response to emerging threats. This requires security architecture compatible with the requirements of modern day method of war fighting. Can Indian security establishment learn its lessons by study of modern warfare or will it require military setbacks to reforms its defence management system?

Top Driven, Bipartisan Approach The DoD in any country is normally a large department and its functioning complex. Because of the nature of the task performed by the department, the expectation of the people of the department is different from the rest of the government machinery. Any suggestion for reforms in the military is a cause for tremendous anticipation in all, the political class, bureaucracy and the citizens. Reforms to the structure, organisation and the mode of functioning of the DoD invariably invokes extreme interests and, therefore, the decision makers are cautious to the fault and try and

avoid reforms if they can help. In order for the reforms to succeed they will have to be driven from the top, by leadership with vision and communication skills⁹⁴, as was the case in US for all its bills and amendments.

The military and the political class in the US were divided over the issues being considered for military reforms immediately after the World War II. There were sharp differences between the army and the navy and within the elected representatives. It was the personality and the esteem with which Eisenhower was regarded by the nation which ensured that the reform proposals become an Act. However, the 1947 NSA and the subsequent amendments of 1949 and 1958 were all compromise solutions. During the deliberations preceding the enactment stricter provisions were considered but the final Act in all the cases was a diluted version of the drafts. In contrast in 1986 even though the DoD, the executive was divided over the issue of reforms there was a strong bipartisan support for it in the Congress and the President sided with the Congress. As a result the GNA was passed with overwhelming support of the Congress. In the entire Congress, only four members did not support the type of reform under consideration. On May 7, 1986, the Senate approved its version of the reorganisation bill by a vote of 95 to 0. On August 5, 1986, the House approved its version by a vote of 406 to 4. With this kind of support even the most radical provisions can be incorporated in the Act as happened with the GNA. In India if the reformers wish to proceed with radical changes to its higher defence management system, the US experience of generating bipartisan support is a good lesson to begin with; otherwise the most that one can expect is a compromise solution which is inefficient in time and resources.

Centralisation vs. Autonomy Debate and Evolutionary Nature of Reforms The challenge for the reformers in the US has been to identify the correct balance between the centralisation of authority in the OSD and the Chairman and the relative autonomy of the Services. The Services had enjoyed great degree of autonomy during and aftermath of World War II and were loathe to give up their privileged

⁹⁴ Ibid., 112-113.

positions. The Congress too supported the idea of relatively greater freedom to Services as it realised greater centralisation of authority in the OSD and increased unification of Services erodes congressional control of the military. Generally, the belief is that to the extent that unified armed forces would speak with one voice, Congress would be less able to uncover and debate divergent views on critical defence issues. That, in turn, would inhibit congressional ability to reasonably oversee the armed forces⁹⁵. The above has resonance to the military reforms debate in India with regards to the necessity of having the CDS for the Indian Armed Forces. It is no secret that the Indian lawmakers are not very comfortable with an all powerful 'man in uniform' in the form of CDS, perhaps based on the same rationale as that of the Congress that greater centralisation of authority reduces lawmakers ability of effectively govern the armed forces. In their bid to centralise the authority in the higher echelons of power in the DoD the US followed the evolutionary approach, though not always by choice. Given an option, those who were knowledgeable about matters military, would have perhaps preferred more radical approach and would have not liked to wait for years and decades till the enactment of the GNA. This is because there are always some who are not convinced with the idea of reforms and would like to continue with the status quo unless obliged to do so by force of circumstances. This results in compromise solutions at every stage of reforms resulting in evolutionary approach.

Centralisation of authority is the way forward to fight modern day wars and this is true for India also. Sooner or later the Indian defence establishment would have to decide on the form in which the Indian defence security architecture has to be designed to incorporate this principle, the CDS model or the Chairman Chiefs of Staff model. In either case the concerns of the lawmakers have to be placated. Like in the US the decision makers would perhaps feel comfortable when presented with all possible, including divergent points of view rather been given a Hobson's choice by an all powerful man in uniform. Options for flow of multiple view points to the decision maker will have to be incorporated in the security architecture. Perhaps then the

⁹⁵ Lovelace, Douglas C Jr., Op. Cit., 67.

decision makers would be more amenable to change and delay in reforms would be obviated.

Reforms through ‘Trial and Error’ Democracies permit dissensions resulting in the slow pace of reforms. Evolutionary approach also is a consequence of the desire to incorporate divergent views. To overcome such like delays Eisenhower in his farewell memorandum to Secretary of Defence James Forrestal reminded of the need for an evolutionary approach to the provisions of the NSA. In the context of enacting NSA he suggested, there should be no hesitancy in using the ‘trial and error’ method so long as these proceed from minor innovation toward larger and more radical objectives in final result⁹⁶. Therein lie a possible solution to overcome dissenting views. The decision makers should have clarity of vision with regards to final outcome of the reforms and statesman like approach to incorporate dissenting ideas. Perhaps an understanding that any new system will have shortcomings which can be rectified with experience will assist those in the business of reforms to take some bold steps. Moreover, security threats to a country are dynamic requiring a flexible system and processes capable of absorbing changes to suit the requirement. Hence, there is no security management system which is permanent. The only thing, as the old adage goes, that is constant is change.

Reforms should be Flexible The nature of security threat is dynamic and changes with time; hence the response mechanism should also be dynamic to cater for changing security scenarios. Any reform programme, as brought out earlier, is normally a compromise solution and may not contain all the desired provisions. The reasons for this could be either lack of consensus amongst the law makers or even perhaps they are provisions which may have not have been considered important or even considered at the time of enactment of reforms. Hence an idea of a flexible reform bill to cater for future security challenges would make it easy to undertake reforms if required. At the same time it must be kept in mind the bills should not lend themselves susceptible to changes for frivolous reasons as some measure of continuity is desirable in government functioning. It is, therefore, best

⁹⁶ Jablonsky, David Op. Cit., 41-42.

left to the judgement of the lawmakers and to their advisers and staff to decide when it is time to implement changes.

Reformers What does it take to initiate and sustain reforms in a democratic setup? The US experience suggests it is not military experts or bureaucrats but good managers who succeed to change the defence system. Elihu Root was named Secretary of War in 1898. While not a military expert, Root had demonstrated impressive skills as a public manager while serving as governor for the territories of Puerto Rico and the Philippines. Root also had exceptional skills as a lawyer and negotiator. Significantly, Root had experience in dealing with legislative committees and drafting legislation⁹⁷ and spent several years shepherding his reforms through Congress and the legislative process⁹⁸. The Indian Government may consider good managers, not necessarily with military or bureaucratic background, to usher in reforms when required.

Unusual situations demand unusual solutions. Eisenhower had been a strong proponent of unification of Services and centralisation of authority in the higher echelons of the higher defence management system ever since the Pearl Harbour disaster. He pursued this project with single minded devotion and vigour since his days in the War Plans Division during World War II. On his retirement as the Chief then Secretary of Defence, Forrestal asked him to serve as his adviser and 'informal Chairman' of the JCS, this despite him taking over his new assignment as the President of the Colombia University. Eisenhower continued to work for greater unification of the armed forces even after retirement and contribute in substantial measure for military reforms. He was able to ensure concurrence from all concerned for an amendment to the NSA that would provide for a permanent Chairman for that body.

The Indian experience of reform committees has been that they are nearly always staffed by known faces in the bureaucracy and the military.

⁹⁷ White, Richard D. "Civilian Management of the Military: Elihu Root and the 1903 Reorganization of the Army General Staff," p. 48. See Cerami, Joseph R. (2000), "Institutionalising Defence Reform: The Politics of Transformation in the Root, McNamara, and Cohen Eras", in Douglas T. Stuart, Op. Cit., 102.

⁹⁸ Ibid., 102.

On very large occasions their reports have been insipid and bland, besides not have requisite political backing, as such have been consigned to the cupboards of the MoD. A manager skilled to guide through the political labyrinth of New Delhi, strong enough to take decisions which even if do not confirm with the standard practice will with adequate political backing be able to undertake desired reforms.

Case Study Colin Powell

The provisions of the GNA give tremendous powers, authority and influence to the Chairman at the expense of the Chiefs and to some extent even the Combatant Commanders. This is partly by design as it is considered necessary to improve the quality of advice to the Secretary of Defence and the President and indirectly has helped to enhance the civilian control over the military. However, the provisions of the GNA when exercised by a strong personality with political backing may perhaps weaken the system within the military organisation at the level of JCS and give the Chairman powers very similar to the CDS which perhaps was not the original intent of the bill. What then is the possible counter to the problem? Greater participation of the Chiefs and the Combatant Commanders in matters concerning their domain will offset some of the negativities mentioned in the case study. Also by keeping all channels of information to the elected decision makers open will assist the cause of the case. The decision makers while deciding on the appointment of the Chairman / CDS in the Indian context would do well to deliberate of the issues concerning the relationship between the Chiefs and the principal adviser, civil and military, to iron out any problem areas that may come up in the future.

CONCLUSION

Democracies of the world function in a particular manner. Gaining political consensus required to take bold decisions is difficult to achieve and coupled with our kind of bureaucratic system it becomes a challenge even for the most astute of political leader to initiate and sustain a reform process. At the best of times democratic way of functioning is slow, laborious and unsteady, yet it is the best system known to mankind and India follows it. India and the US, despite being democracies do have differences in the manner the two governments function, yet the challenges to undertake bold reforms are very similar. There are some very important lessons that India can learn from the best practises available with regards to the security architecture and the duties performed by some of the important appointments and the reforms undertaken in the US.

The existing defence management system followed in the US has its origins in the NSA. The NSA enacted in 1947 was a result of lessons learnt during World War II, wherein enhancing jointness amongst the Services through structural changes and centralisation of greater authority in the appointment of the Secretary of Defence was the central theme. The government did promulgate the bill but it was rather ineffective piece of unification legislation. Even at that time Truman spoke of co-ordinating military policy with foreign and economic policy – the ‘whole of government approach’ as we understand today, but not much progress was made in the direction. Perhaps the idea was before its time and the political setup was not ready for radical changes. It took good part of four decades and two amendments in 1949 and 1958 and one major transformation bill, GNA in 1986 to radically transform the manner in which the US defence forces are organised and operate. The bill was preceded by years of very public debate, numerous studies and some very embarrassing military reverses. As a result of the GNA the US military was able to organise its systems and processes to a very large extent, however, there are shortcomings as

can be expected in any system and has been highlighted in the monograph in the functioning of the Chairman of JCS model. These shortcomings are expected whenever human element is involved and the system should have the resilience to bounce back to its accepted way of functioning after a short interruption. Post the GNA the US responded to security threats admirably. This was a result of combination of factors, political, diplomatic, economic, and technological and not the least the organisational superiority compared to its adversaries. The GNA was enacted almost three decades back, since then the nature of security challenges have metamorphosed in a manner unimaginable in the 1980s. Today's challenges demand a 'whole of government approach' as was envisaged by Truman in 1940s. The US has taken steps to involve concerned departments but it has a long way to go before a system which can guarantee reasonable amount of security can be designed and put into operation. Thus a flexible system and equally flexible mindset to reform to changing security challenges is the way forward.

Any defence reforms in a democracy are based on two inviolable principals, control of the military by the civil elected representatives and the said control in no way should undermine military operational efficiency. The US experience suggests that the military operational efficiency can be enhanced by enhancing the jointness of its Services and concentrating the powers of politico-military-strategy decision making in the highest echelons of the higher defence management consisting of political, civil bureaucratic and military leaders. The sharing of power and the inter-relationship between the appointments are a matter of detail contingent on the political–military setup of the host country. To a dispassionate, outside observer the US power sharing model seems to be vague, much of it seems to be in the realm of being understood rather than being clearly stated, unlike the CDS system followed in the UK. In the CDS model followed in the UK the duties seems to be more clearly defined and there is less scope for misunderstanding or misrepresentation of the provisions of the Act.

A study of present Indian higher defence management system would suggest that the civilian control over the military is absolute; in fact there is a willing subordination on part of the military. The Indian MoD is all powerful with regards to policy formulation and exercise

of control. Going by the nature of public debate on the subject India can benefit from the study of the power sharing arrangement between the three pillars of the system, elected representatives, civil bureaucrats and military officers and the decision making processes in the US. For a system to function at its optimal efficiency it should create conditions to empower its leadership. Empowerment comes with lending the leadership with a 'voice'. The interaction of the Chairman with the Secretary of Defence, the NSC and the President will be of interest to those in the business of reforming the Indian defence establishment. Going by the experience of the US, the Indian defence establishment will benefit from having a single source of military advice at the helm of the military. The form, the authority and the nature of duties to be vested in the appointment can be decided to suit Indian conditions and will be conditional on the nature of the structure above the appointment and below it. An appointment of this nature cannot be decided in isolation. The structure of the higher defence management system of the country and the kind of jointness pursued by the Services will impact the nature of this appointment. The defence management systems and processes must incorporate modern organisational and management practices with flexibility to incorporate future innovations. Reform recommendations which are over specific in their directions do not lend themselves to easy modifications on a future date, if required. And lastly India would do well to incorporate military reforms as part of larger national level defence and security reforms to present 'whole of government' approach to emerging security threats.

ABBREVIATIONS

Chiefs of Staff	COS
Central Intelligence Agency	CIA
Combined Chiefs of Staff	CCS
Commander-in-Chief	CinC
Department of Defence	DoD
Goldwater-Nichols Department of Defence Reorganisation Act of 1986	GNA
Joint Chiefs of Staff	JCS
Higher Defence Organisation	HDO
Homeland Security Council	HSC
Ministry of Defence	MoD
National Command Authority	NCA
National Security Act of 1947	NSA
National Security Council	NSC
National Security Staff	NSS
Office of the Secretary of Defence	OSD
Presidential Policy Directive	PPD
Presidential Study Directive	PSD

Democracies of the world have many similarities, notwithstanding the differences in the system of governance and the governmental structure. The decision making by the Higher Defence Organisation (HDO) and the government of the United States and India face similar challenges regardless of the threat perception and the role, size and the employment of the military. What is fascinating is the challenges faced by the elected representatives, bureaucracy, civil and military, and their response to the challenges are very similar. Hence, the structure of the United States HDO and the rationale of reforms undertaken have lessons for India.

This study focuses on the reforms undertaken by the United States, to its HDO and the military in order to draw lessons for India. The endeavour is to bring out the best practises from the reforms which have resonance to the requirements of the Indian HDO and the military. The lessons are conceptual and inspirational in nature and not 'hand me down solutions' for problems besetting the Indian defence management system.

This monograph is the second in the series of two monographs. The first deals with the reforms to the British HDO. The two monographs are stand alone and focused studies for those interested in the higher defence management and the study of the HDO.



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