STRATEGY RESEARCH PROJECT

The views expressed in this paper are those of the author and do not necessarily reflect the views of the Department of Defense or any of its agencies. This document may not be released for open publication until it has been cleared by the appropriate military service or government agency.

THE IMPACT OF THE GOLDWATER-NICHOLS DEPARTMENT OF DEFENSE REORGANIZATION ACT OF 1986 ON CIVILIAN/MILITARY RELATIONS

BY

LIEUTENANT COLONEL CON McDONALD
United States Air Force National Guard

DISTRIBUTION STATEMENT A:
Approved for Public Release.
Distribution is Unlimited.

USAWC CLASS OF 2000

U.S. ARMY WAR COLLEGE, CARLISLE BARRACKS, PA 17013-5050

DTIC QUALITY INSPECTED 2

20000519 041

USAWC STRATEGY RESEARCH PROJECT

THE IMPACT OF THE GOLDWATER-NICHOLS DEPARTMENT OF DEFENSE REORGANIZATION ACT OF 1986 ON CIVILIAN/MILITARY RELATIONS

by

Lt Col Con McDonald
Indiana Air National Guard

Col Richard M. Meinhart
Project Advisor

The views expressed in this academic research paper are those of the author and do not necessarily reflect the official policy or position of the U.S. Government, the Department of Defense, or any of its agencies.

U.S. Army War College
CARLISLE BARRACKS, PENNSYLVANIA 17013

DISTRIBUTION STATEMENT A:
Approved for public release.
Distribution is unlimited.

ABSTRACT

AUTHOR: Con McDonald

TITLE: The Impact of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 on Civilian/Military Relations

FORMAT: Strategy Research Project

DATE: 5 April 2000 PAGES: 23 CLASSIFICATION: Unclassified

This paper will examine the impact of this historic piece of legislation, the Goldwater-Nichols Department of Defense Reorganization Act (GNA) of 1986, upon the relationship between civilian and military leaders. To provide some necessary background, it will first look at the historic evolution of U.S. civilian/military relations and the changing roles of defense leadership. Then, using the comparison and contrast method, it will examine two periods on opposite sides of the law's passage - the Vietnam War and the Gulf War - to see whether the relationship between top civilian and military leaders was helped or hindered by this legislation. It will specifically conduct a detailed examination of the relationship between the Secretary of Defense and the Chairman of the Joint Chiefs of Staff (CJCS), along with a brief look at the roles of the Service Secretaries and the Service Chiefs. A major thesis of this paper was that the success or failure of most of these regional conflicts were driven not only by the personalities of the civilian and military leaders of each period but also by the evolving defense organizational structure. The realignment of making the Chairman of the Joint Chiefs of Staff the single military adviser did prove far more successful in the Gulf War than the diversified advisory role of the Joint Chiefs of Staff during the Vietnam War. However, primary credit for the different outcomes in the Vietnam War and the Gulf War must be given to the leaders in each period.

TABLE OF CONTENTS

ABSTRACT III

IMPACT OF THE GOLDWATER-NICHOLS DEPARTMENT OF DEFENSE REORGANIZATION ACT OF 1986 ON CIVILIAN/MILITARY RELATIONS 1

BACKGROUND: HISTORICAL EVOLUTION OF DEFENSE STRUCTURE 1

VIETNAM ERA DUTIES AND RELATIONSHIPS 4

GULF WAR ERA DUTIES AND RELATIONSHIPS 7

ANALYSIS 9

CONCLUSION 11

ENDNOTES 13

BIBLIOGRAPHY 15

THE IMPACT OF THE GOLDWATER-NICHOLS DEPARTMENT OF DEFENSE REORGANIZATION ACT OF1986 ON CIVILIAN/MILITARY RELATIONS

After much spirited debate and with little support from uniformed military leadership, "[t]he Goldwater-Nichols Defense Department Reorganization Act became law on October 1, 1986. *It is the most important* piece of military legislation passed by Congress in the last forty years. *It is also the most dangerous*"[1] (emphasis added). This is how Robert Previdi prefaces his 1988 book, Civilian Control vs. Military Rule. The thesis of his book is that the Chairman of the Joint Chiefs of Staff has been given so much power by the Goldwater-Nichols Act that, at best, the military will actually dictate U.S. foreign policy and, at worst, there will be a military takeover. Is there really any basis for such an alarmist view?

This paper will examine the impact of this historic piece of legislation, the Goldwater-Nichols Department of Defense Reorganization Act (GNA) of 1986, upon the relationship between civilian and military leaders. To provide some necessary background, it will first look at the historic evolution of U.S. civilian/military relations and the changing roles of defense leadership. Then, using the comparison and contrast method, it will examine two periods on opposite sides of the law's passage - the Vietnam War and the Gulf War - to see whether the relationship between top civilian and military leaders was helped or hindered by this legislation. It will specifically conduct a detailed examination of the relationship between the Secretary of Defense and the Chairman of the Joint Chiefs of Staff (CJCS), along with a brief look at the roles of the Service Secretaries and the Service Chiefs.

With no historical examples of how to conduct a successful Cold War, the United States stumbled through several regional wars and minor regional conflicts following the total war of World War II. Throughout this period, the relationship between civilian managers and military leaders was severely tested. A major thesis of this paper is that the success or failure of most of these regional wars, particularly the Vietnam and Gulf wars, was driven not only by the personalities of the civilian and military leaders of each period but also by the evolving defense organizational structure. To better understand the relationship between civilian and military leaders, it will be helpful to first examine the historical evolution of this relationship prior to the passage of the 1986 Goldwater-Nichols Act and then explore the motivation for and the intent of the act itself.

BACKGROUND: HISTORICAL EVOLUTION OF DEFENSE STRUCTURE

The foundation of civilian control over the military rests in the Constitution of the United States, where the military is placed under the control of both the executive and legislative branches. Article II, Section 2 of the Constitution stipulates that: "The President shall be Commander in Chief of the Army and Navy of the United States and of the Militia of the several States, when called into the actual Service of the United States."[2] However, in Article I, Section 8 of the Constitution, only Congress has the power to: declare war, raise and support armies, provide and maintain a navy and make rules for the government and regulation of the land and naval forces. That same section also tasks Congress to provide for organizing, arming, and disciplining the Militia and to make all laws necessary for executing the foregoing

powers. This separation of powers was a deliberate compromise devised by America's founding fathers so that no single branch of the federal government could ever have exclusive control over the military.

The desire to fix organizational or operational inefficiencies within the Defense Department has been the catalyst for most of the defense reorganization legislation enacted by Congress. Defense reorganization legislation has seldom been sweeping in nature. Normally, changes were made incrementally by Congress, who represents various constituencies, once they find a compromise position a majority could agree upon. As we shall now see, these changes have been evolutionary following World War II.

Up until 1947, a civilian Secretary of War, responsible for the Army, and a civilian Secretary of Navy, responsible for the Navy and Marine Corps, served in the executive branch as members of the President's cabinet. The single civilian official who managed the entire military was the President for there was no Secretary of Defense. The first major change to this arrangement took place with the passage of the National Security Act (NSA) of 1947. This seminal piece of legislation was a natural outgrowth of the defense organization structure that emerged during World War II. For example, the Army Air Forces had become a virtual separate service during the war. It was also obvious that some sort of corporate leadership of the military, such as the Joint Chiefs of Staff (which had been assembled ad hoc during the war), was necessary in the postwar era. Further, the President was too busy with other duties to exercise sufficient control to ensure that all of the services would cooperate during peacetime.

The National Security Act of 1947 was passed after significant debate and this created the National Military Establishment (NME), which eventually became known as the Department of Defense (DoD) in 1949. Leadership of this new organization was placed under the newly created cabinet-level civilian position of the Secretary of Defense. Amendments to this legislation placed limits on the powers of the Secretary of Defense. In addition to the departments of the Army and Navy, a new department of the Air Force was also established. Besides the Secretary of Defense, this law established three other civilian cabinet-level positions: Secretary of the Army, Secretary of the Navy, and Secretary of the Air Force. The NSA of 1947 also officially established the Joint Chiefs of Staff (JCS) composed "of the Chief of Staff, United States Army; the Chief of Naval Operations; the Chief of Staff, United States Air Force; and the Chief of Staff to the Commander in Chief, if there be one."[3] This act provided the Joint Chiefs of Staff with a maximum ceiling of 100 officers drawn equally from the three armed services to form a Joint Staff. Significantly, the law did not give the JCS any budgetary authority.

The first Secretary of Defense, James V. Forrestal, quickly discovered the defense organizational structure he had helped develop was essentially unworkable. In creating the JCS, the NSA of 1947 failed to establish a military body capable of speaking with one voice. Instead, the rapid military draw down which occurred after World War II, placed all of the services in competition with each other for the remaining piece of a dramatically dwindling defense budget. It was nearly impossible to obtain consensus among the Service Secretaries or Service Chiefs for the roles and missions of the military services. Military advice was fragmented and service-biased.[4]

In an attempt to correct these organizational deficiencies, Congress passed the National Security Act Amendment of 1949. In this act, the non-voting position of Chairman of the Joint Chiefs of Staff was created to preside over the Joint Chiefs of Staff meetings and to expedite their business. "This new position replaced that of the Chief of Staff to the Commander in Chief."[5] All four of the Joint Chiefs were made principal military advisers to not just the President and the Secretary of Defense, but also to the National Security Council (NSC). This law allowed the Joint Staff to expand from 100 to 210 officers to match its growing workload. In summary, this 1949 legislation "strengthened the direction, control and authority of the Secretary of Defense over the...Department of Defense"[6] partially by removing the Service Secretaries from the NSC and stripping them of the their cabinet rank.

By 1958, the Cold War was heating up and the ability of the National Command Authority (NCA) to make quick decisions regarding the use of nuclear weapons required a more streamlined military organization. President Eisenhower sent a special message to Congress with his recommended defense changes. Eisenhower noted that "separate ground, sea, and air warfare is gone forever. Peacetime preparation and organization activity must conform to that fact...We must organize our fighting forces into operational commands that are truly unified."[7] He wanted these new unified commands to be part of the Department of Defense but to be separate from the military departments. However, Eisenhower had no intention of merging or abolishing the services. In order to establish clear command channels, Eisenhower recommended "that orders proceed directly to unified commands from the Commander in Chief and the Secretary of Defense."[8] Congress implemented Eisenhower's recommendations by passing the Defense Reorganization Act of 1958, which removed both the Service Secretaries and the Service Chiefs from operational command of their services and raised the statutory limit on the size of the Joint Staff to 400 officers.[9]

There were little significant changes to the defense structure from 1958 until 1985. However, it was becoming apparent that both organizational and operational deficiencies needed resolution. The following excerpt best describes the issues and catalyst events that directly contributed to passage of the landmark defense legislation called the Goldwater-Nichols Act:

> "By the late 1970s, there were increasing demands for reform of the Joint Chiefs of Staff. The studies of defense reorganization in the last years of the decade had found the JCS military advice to the President and the Secretary of Defense inadequate and the JCS organization and procedures in need of change. The abortive Iranian hostage rescue attempt in 1980 fueled these criticisms. Then, in the spring of 1982, two sitting JCS members—the Chairman, General David C. Jones, USAF, and the Army Chief of Staff, General Edward C. Meyer—called for reform of the Joint Chiefs of Staff. Critics in the Congress and the academic community quickly joined the call, and this debate launched an examination of JCS and defense organization that culminated over four years later in the defense reorganization of 1986."[10]

According to the Conference Report, when Congress finally passed the Goldwater-Nichols Act, it had broad intentions in many areas.

> "To reorganize DoD and strengthen civilian authority, to improve the military advice provided to the President, National Security Council, and Secretary of Defense, to place

> clear responsibility on the commanders of the unified and specified combatant commands for the accomplishment of missions assigned to them, to ensure that the authority of commanders of unified and specified combatant commanders was fully commensurate with the responsibility to accomplish their missions, to increase attention to strategy formulation and contingency planning, to provide for the more efficient use of defense resources, to improve joint officer management policies, otherwise to enhance the effectiveness of military operations and improve DoD management and administration."[11]

By far, the biggest change created by the Goldwater-Nichols Act was to make the Chairman of the Joint Chiefs of Staff the principal military adviser to the President, the National Security Council, and the Secretary of Defense.[12] Another significant change was to make the functions of acquisition, auditing, comptroller, information management, inspector general, legislative affairs, and public affairs the sole responsibility of each Service Secretariat and to prohibit the military headquarters staffs from performing any of these functions.[13] Overall, the GNA resulted in giving more power to the Chairman of the Joint Chief of Staff, the Joint Staff, and the combatant commanders, which further reduced the influence of the Service Chiefs. Within the Services, it gave more responsibilities to the Service Secretaries, which strengthened their civilian authority.

Thus far, this paper has highlighted the significant defense reorganization events in U.S. history. To examine the impact of the Goldwater-Nichols Act upon defense leadership, it is necessary to compare and contrast America's success or failure in conflicts that occurred on either side of the act. War usually places the relationship between civilian and military leaders under the most stress (i.e. Truman forcing MacArthur to resign during the Korean War). By looking at the Vietnam War and the Gulf War, it should be possible to compare the interactions of the civilian and military leaders in each period and contrast their results based upon pre- and post-GNA defense organizational structures.

VIETNAM ERA DUTIES AND RELATIONSHIPS

There were three Secretaries of Defense during the Vietnam War: Robert McNamara, Clark Clifford, and Melvin Laird. McNamara served from 1961 until 1968, Clifford served from 1968 until 1969, and Laird served from 1969 until 1973. This paper will concentrate on Secretary McNamara's relationship with military leaders during the Vietnam era because decisions made by him essentially determined the course of the war. During this pre-GNA period, the responsibilities of the Secretary of Defense, as principal assistant to the President on defense matters, were primarily to exercise direction and control over the Department of Defense and serve as a member of various councils, including the National Security Council. It should be noted that all Secretaries of Defense are "appointed from civilian life by the President with the advice and consent of the Senate."[14]

McNamara had limited military experience, but his civilian business credentials were strong. During World War II, McNamara performed statistical analysis for 3 years and rose to the rank of Lieutenant Colonel. He separated from the Army in 1946 and went to work for Ford Motor Company as a manager. He eventually became president of that large company in 1960. McNamara is not certain how

President Kennedy came to offer him a cabinet post. He believed that John Kenneth Galbraith, the liberal Harvard economist, "had suggested my name because he thought the president needed a businessman with innovative ideas."[15] McNamara wasted little time in applying business principles to Pentagon practices. He was deadly serious about placing the Department of Defense under civilian control. He "was determined to subordinate the powerful institutional interests of the various armed services and the defense contractors to a broad conception of the national interest."[16]

McMaster, in his book, Dereliction of Duty, describes McNamara's willingness to take full advantage of his complete authority to shape the Department of Defense as he saw fit. McNamara

> "forced new management techniques on a reluctant department...and used the wide latitude given the secretary of defense in the Defense Reorganization Act of 1958 to create a staff structure that mirrored military staff functions. McNamara exerted civilian control over what had before been almost exclusively military prerogatives."[17]

Therefore, while the laws had allowed previous Secretaries of Defense to gain greater control over the military, it was McNamara who exercised strong leadership and fully expanded the authority of his office.

The two Chairmen of the Joint Chiefs of Staff that worked under McNamara during the Vietnam War were General Maxwell Taylor, who served from 1962 until 1964 and General Earle Wheeler, who served from 1964 until 1970. During this period, all members of the Joint Chiefs of Staff were considered to be military advisers to the National Command Authority. The Chairman "would take precedence over all other officers of the armed forces, but would not exercise military command over the Joint Chiefs of Staff or the Services."[18] This basically meant the Chairman was the administrative head of the Joint Chiefs of Staff and served as their spokesman, but the other Joint Chiefs exercised great autonomy. Hence the structure allowed the Secretary of Defense to drive a wedge between the Joint Chiefs, should he so desire.

The events that lead to General Taylor becoming Chairman of the Joint Chiefs of Staff were highly unusual. He retired from active duty in July 1959. Then, in 1960, he published The Uncertain Trumpet, a book that criticized US strategic planning and joint organization. At President Kennedy's request, General Taylor was asked to lead a group to investigate the Bay of Pigs debacle. This failed attempt to invade Cuba and overthrown Castro had badly shaken Kennedy's confidence in the advice of the JCS. Kennedy took the unusual step of recalling General Taylor to active duty as his Military Representative at the White House in 1961. Taylor performed so well within the new administration that President Kennedy appointed him Chairman of the Joint Chiefs of Staff in 1962.[19]

Two years of McNamara's leadership placed a strain on the relationship between the Secretary of Defense and the JCS, because McNamara firmly imposed his unfamiliar business practices on the services while elevating the authority and responsibilities of civilians in the Department of Defense. The appointment of a formerly retired general with political connections to the White House as CJCS strained the relationship even further between the Secretary of Defense and the Service Chiefs. As described by McMaster,

> "The Chiefs saw Taylor's selection as the imposition of a Kennedy man on an organization designed by law to give impartial military advice to the commander in chief. Taylor quickly cultivated a warm relationship with the man [McNamara] whom many of the military officers in the Pentagon deeply resented... Like McNamara, Taylor concluded the answer to problems of service rivalry and administrative inefficiency was increased centralization of the power in the chairmanship and the OSD... Taylor's overwhelming influence with the secretary of defense and the president made opposition to his views futile."[20]

Politics continued to play a role in the naming of Taylor's replacement when General Wheeler was named Chairman of the Joint Chiefs of Staff in 1964. Taylor recommended Wheeler for the job. The executive branch viewed Wheeler as a general who was sensitive to civilian political matters. President Johnson and Secretary McNamara valued loyalty in their appointees and Wheeler appeared to be a "team player". In fact, Wheeler eventually became a close friend of President Johnson. Nevertheless, Wheeler's appointment ruffled many feathers in the Pentagon because he was "the third Army officer in a row to hold the position."[21]

In spite of General Wheeler's close relationship with both the President and Secretary of Defense and, perhaps because General Wheeler served as Chairman for the next six years, senior military leaders had little impact upon the conduct of the war in Vietnam. "Wheeler's influence, however, was overshadowed by that of Secretary of Defense Robert S. McNamara...Unanimity did not translate into greater JCS influence, and McNamara determined military policies to a degree that none of his predecessors had approached."[22] Here we see advice being driven more by the personalities of the leadership rather than the defense structure.

Just as there were several occupants in the positions of Secretary of Defense and Chairman of the Joint Chiefs of Staff during the lengthy Vietnam War, there was considerable turnover in the Service Secretaries and Service Chiefs' positions. Service Secretaries were civilians appointed by the President, who worked directly for the Secretary of Defense. They were primarily responsible for effectively managing their departments in the areas of training, operations, logistical support and maintenance, welfare, preparedness, research and development.[23] In spite of these seemingly important sounding duties, there is virtually no evidence that the Service Secretaries were consulted or had any impact upon military strategy during the Vietnam War.

A variety of officers served as Service Chiefs during the Vietnam War. Since the position of combatant commanders had not yet been created by the GNA, the Service Chiefs were significantly involved in war planning. This may have caused less unity of effort, which allowed the Secretary of Defense to drive a wedge between the Service Chiefs and theater Commanders in Chief. During the Vietnam War, each service approved their global war plans without the need for approval by the CJCS as we have today. As a result, each service developed its own war fighting strategy and little if any joint war planning efforts were conducted.

It is important to reemphasize that, during the period of the Vietnam War, in accordance with the National Security Act of 1947, all of the Joint Chiefs were designated as the principal military advisers to

the President and the Secretary of Defense. Much of the blame for the way the United States was drawn into the Vietnam War can be attributed to the failure of President Johnson and Secretary McNamara to adequately consult with the Joint Chiefs. A fair amount of the blame for U.S. blunders during the Vietnam War should also go to the Joint Chiefs of Staff who failed to demand their rightful place in providing advice for prosecution of the war. In summary, the Joint Chiefs remained loyal and silent executive-branch, team players and did not take their private concerns about the war to Congress or the public.

GULF WAR ERA DUTIES AND RELATIONSHIPS

During this post-GNA period, the primary responsibilities of the Secretary of Defense remained essentially the same as the pre-GNA period. The Secretary of Defense served as principal assistant to the President on defense matters and still had authority, direction and control over the Department of Defense. "[T]he secretary is the responsible cabinet officer involved in the creation of political policy that must be approved by the president. This policy must then be interpreted for the military by the secretary of defense and used as a basis for military direction and strategy formulation."[24]

There was only one Secretary of Defense during the much shorter Gulf War: Dick Cheney, who served from 1989 until 1993. Dick Cheney had been White House Chief of Staff during the short-lived administration of President Ford. He then was elected to the House of Representatives from the state of Wyoming and, within ten years, became the House Republican Whip. When the Secretary of Defense position became vacant, it was National Security Adviser, Brent Scowcroft, who actively lobbied for President Bush to appoint Cheney to the job. Cheney liked the idea of working as a teammate with Scowcroft and Secretary of State Baker. He accepted the job despite his recollections of "how the national security process could get mired down in useless infighting and power plays. Here was a chance to work with people he knew, and possible to get it right."[25]

Dick Cheney had the potential to become another Robert McNamara with a focus on civilian control when he took the job as Secretary of Defense. He announced he "was going to be a different kind of secretary. One hallmark of his Pentagon would be increased civilian control."[26] Instead of working around the military organization; however, Cheney worked within the system. Within his first week as Secretary of Defense, he had assembled "a one-page diagnosis of each of the services and the kinds of civilians Cheney should appoint to run them."[27] He made sure his appointments for Service Secretaries matched up with his perceived needs to influence the cultures of each service. As Secretary of Defense, he learned the value of questioning everything. In doing so, he discovered the Pentagon's top-secret plan for nuclear war with the Soviet Union and Warsaw Pact countries had become "a rat's nest hidden away from civilian oversight."[28] However, when it came to combat operations, Cheney took a "hands-off" approach.

> "[Cheney] had seen firsthand the tendency of the people at the top – the President, the national security adviser, the Secretary of Defense – to meddle needlessly and counterproductively in military operations...The one remedy, Cheney had decided, was a

clean, clear-cut chain of command – as short as possible. And no meddling from the top. Stay out of their hair."[29]

There was only one Chairman of the Joint Chiefs of Staff during the Gulf War, General Colin Powell, who served from 1989 until 1993. As noted earlier, following passage of the GNA, the CJCS was given greater responsibility and became the principal military advisor to the President, the National Security Council, and the Secretary of Defense. General Powell was the first Chairman to serve his entire term under the expanded authority granted by the GNA. He seized upon the intent of legislation's authors and worked diligently to promote a truly joint culture among the U.S. armed forces.

Joint military operations were put to a major test in the Gulf War. General Powell was heavily involved in the planning and prosecution of Operations DESERT SHIELD/DESERT STORM. When diplomatic efforts failed to get the Iraqi forces to withdraw from Kuwait, Powell endorsed President Bush's decision to launch offensive military operations. Coalition forces were able to achieve a decisive victory and liberate Kuwait. The Joint History Office notes that when General Powell retired, after four years in the job, "the role of the Chairman of the Joint Chiefs of Staff had been substantially enhanced due to his aggressive exercise of the expanded powers granted the Chairman in the Goldwater-Nichols Act."[30]

The much shorter Gulf War era saw far less turnover in the Service Secretaries and Service Chiefs' positions. During the Gulf War, the Service Secretaries were civilians appointed by the President to head their departments. They were subject to the authority, direction, and control of the Secretary of Defense and they were primarily responsible for all the affairs of their departments to include: recruiting, organizing, supplying, equipping, training, servicing, mobilizing, demobilizing, administering, maintaining, and construction. They were also responsible for establishing and implementing policies, programs, and budgets for their services. Service Secretaries could also make recommendations to Congress, after first informing the Secretary of Defense of their intentions to do so. Once again, in spite of these seemingly important sounding duties, there is virtually no evidence that the Service Secretaries were consulted or had any impact on military strategy during the Gulf War.

Only a handful of officers served as Service Chiefs during the Gulf War. During this post-GNA period, the service chiefs were no longer principal military advisers. They were general officers appointed by the President and serve at the pleasure of the president. They performed their duties under the authority, direction, and control of their service secretary and were directly responsible to that secretary.

However, the service chiefs still were secondary military advisers to the President, the National Security Council, and the Secretary of Defense. They could submit dissenting or additional opinions through the Chairman at any time or directly to the President, NSC, or Secretary of Defense, when their advice was requested. They could also make recommendations to Congress, after first informing the Secretary of Defense of their intentions to do so. The service chiefs were also non-players in the Gulf War for the GNA had made the combatant commanders the principle war-fighting leaders. In fact, the Air Force Chief of Staff was dismissed prior to the start of the Gulf War for inappropriate comments he made about the way air power was going to be used.

ANALYSIS

The review of duties and responsibilities in the pre and post-Goldwater-Nichols Act periods showed that the roles and potential influence of defense department civilian leaders remained fairly static. However, the roles and influence of military leaders changed dramatically. GNA reduced the power of the Service Chiefs and gave much more authority and influence to the Chairman of the Joint Chiefs of Staff.

On the civilian side, the Secretary of Defense maintained a powerful position as head of his department and key cabinet member throughout both periods. The Secretary of Defense was a key decision-maker in both the Vietnam War and the Gulf War. The specified duties of the Service Secretaries were increased slightly by the passage of GNA, but the Service Secretaries did not have a significant role in providing advice on military strategy for either war.

Military leadership has undergone a sweeping change. In the pre-GNA period, all five members of the Joint Chiefs of Staff were designated as co-equal military advisers to the National Command Authority. President Johnson and Secretary of Defense McNamara deliberately circumvented the Joint Chiefs of Staff during the Vietnam War and paid scant heed to their advice on how to prosecute the war. Civilian strategy was substituted for military strategy, and the policy of gradual escalation was employed with disastrous results. Americans grew tired of the protracted war and gradually withdrew their armed forces. A fatally flawed peace treaty eventually allowed South Vietnam to be overrun by North Vietnam.

In the post-GNA period, the Chairman of the Joint Chiefs of Staff was elevated to the position of principal military adviser to the National Command Authority, while the Service Chiefs were reduced to the status of secondary advisers. The Gulf War produced a different outcome. Just prior to the start of the air campaign in the Gulf War, Secretary Cheney met with the Joint Chiefs in Powell's office. "For Cheney, it was a satisfying symbolic moment. It showed he was keeping the chiefs involved. He felt that the chain of command was just right, running as it did from him to Powell, rather than to the chiefs as a committee."[31] Secretary of Defense Cheney worked closely with his military leaders and achieved an overwhelming victory in expelling Iraq from Kuwait.

Did the Goldwater-Nichols Act really make that much difference between the results of the Vietnam War and the Gulf War? Several articles that appeared in the Joint Forces Quarterly, which did a ten-year retrospective in 1996, indicate the legislation does deserve the credit. James Locher quoted an article that appeared in Forbes shortly after the Gulf War, "The extraordinary efficient, smooth way our military has functioned in the Gulf is a tribute to [Goldwater-Nichols], which shifted power from individual military services to officials responsible for coordinating them."[32] Locher also quoted the testimony of Secretary of Defense William Perry before the Senate Committee on the Armed Services on this subject. "All commentaries and after-action reports on [Desert Shield/Desert Storm] attribute the success of the operation to the fundamental structural changes in the chain of command brought about by Goldwater-Nichols."[33] General Powell shared the same sentiments about the Goldwater-Nichols Act. "The proof of the pudding is the string of successful military operations we have seen in recent years, from Panama through Desert Storm through Bosnia."[34]

Undoubtedly, it was more difficult for Cheney to ignore the advice of his primary military adviser, than it was for McNamara to dismiss the Joint Chiefs of Staff, due to the rapid U.S. entrance into the Gulf War compared to the gradual beginnings of the Vietnam War. However, Cheney was still Powell's boss and could have chosen to pursue his own course. The National Command Authority is still composed of powerful civilians who can just as easily disregard the military advice of one general as they can five. The difference between the outcome of the two wars can be attributed more to the personalities involved than to the effects of the newly reorganized defense structure.

The original questions in this paper that were articulated by Previdi must now be answered. Did the Goldwater-Nichols Act make the Chairman of the Joint Chiefs of Staff so powerful that he actually sets foreign policy? Is a military takeover of the U.S. government imminent?

General Powell does an excellent job of answering the first question. "The frequent claim that the Secretary's civilian authority and influence were reduced by Goldwater-Nichols is simply nonsense. Mr. Cheney demonstrated on more than one occasion that he was up to the task of controlling the military...The Secretary was very much in charge."[35] Most of the complaints about Powell's behavior have not so much been directed at his efforts in the Gulf War as they have about his voicing concerns in the early years of the young Clinton administration. Powell raised questions about the wisdom of permitting gays to serve in the military and the lack of a compelling U.S. interest to militarily intervene in Bosnia. Several writers expressed concern that General Powell was exceeding his authority and overruling his civilian superiors. A better explanation came from Stephen Cimbala. "The responses of Powell and OSD to these new environments demonstrate a search for a conceptual framework for military planning, not usurpation by the military or a lapse of civilian control."[36]

The views of Gibson and Snider provide the best analysis of civil-military relations in the early years of the Clinton administration.

> "Given the split between the strategic vision of the Democrats and Republicans, and the generally declining defense expertise among incoming civilian appointees, it was no surprise that the military took a more influential role in the decision-making processes...But as the struggle over defense dollars and the interventions in Somalia, Haiti, and Bosnia illustrate, claims that military leaders have universally dominated their civilian counter-parts are simply not true."[37]

General Powell deserves the final word on whether GNA gave the Chairman too much power. "The Chairman was given no authority under the act. He was given a role - to serve as the principal military adviser. He commands nothing. What the Chairman ultimately possesses is influence, not authority, and only that influence which the Secretary gives him."[38]

Claims that the military is about to takeover the U.S. government appear even more far-fetched than worries about the Chairman having too much power. To see how unlikely a military takeover may be we only need to look at the events surrounding impeachment of President Clinton. Back in 1998, several military officers submitted letters to the editor and circulated e-mails that were critical of the President's behavior. Top leaders of the Marine Corps and the Air Force quickly issued statements discouraging

such efforts. Officers were reminded that Article 88 of the Uniformed Code of Military Justice prohibits commissioned officers from using contemptuous words against a number of high-ranking civilian leaders, to include the President, regardless of whether the statements are true or false. In fact, there have been few Article 88 cases. "Since the Uniformed Code of Military Justice took effect in 1951, there has been only one reported prosecution."[39] If contemptuous speech has been such a rarity, then fears of military takeover are totally unfounded. Corrective legislation is not required for problems that do not exist.

CONCLUSION

This paper examined the impact of the Goldwater-Nichols Department of Defense Reorganization Act (GNA) of 1986 upon the relationship between civilian and military leaders. It first looked at the historic evolution of U.S. civilian/military relations and the changing roles of defense leadership. It also explored the motivation for and the intent of the act itself. Then, it compared and contrasted two periods on opposite sides of the law's passage - the Vietnam War and the Gulf War - to see whether the relationship between top civilian and military leaders was helped or hindered by this legislation. A review of duties and responsibilities in the pre and post-Goldwater-Nichols Act periods showed that the roles and potential influence of Defense Department civilian leaders remained fairly static. However, the roles and influence of military leaders changed dramatically.

On the civilian side, the Secretary of Defense maintained a powerful position as head of his department and key cabinet member throughout both periods. The Secretary of Defense was a key decision-maker in both the Vietnam War and the Gulf War. The specified duties of the Service Secretaries were increased slightly by the passage of GNA, but the Service Secretaries did not have a significant role in conduct of either war. Military leadership underwent sweeping changes. In the pre-GNA period, all five members of the Joint Chiefs of Staff were designated as co-equal military advisers to the National Command Authority. In the post-GNA period, the Chairman of the Joint Chiefs of Staff was elevated to the position of principal military adviser to the National Command Authority, while the Service Chiefs were reduced to the status of secondary advisers.

A major thesis of this paper was that the success or failure of most of these regional conflicts were driven not only by the personalities of the civilian and military leaders of each period but also by the evolving defense organizational structure. The realignment of making the Chairman of the Joint Chiefs of Staff the single military adviser did prove far more successful in the Gulf War than the diversified advisory role of the Joint Chiefs of Staff during the Vietnam War. However, primary credit for the different outcomes in the Vietnam War and the Gulf War must be given to the leaders in each period. Secretary Cheney and President Bush trusted and empowered their military advisers instead of ignoring and enfeebling the Joint Chiefs of Staff the way Secretary McNamara and President Johnson did.

In summary, the Goldwater-Nichols Act has established a good balance between military advice and civilian control. The Chairman does not have too much power. Civilians are still very much in control of the U.S. military. The intent of Congress in enacting this legislation appears to be achieved.

WORD COUNT = 6020

ENDNOTES

[1] Robert Previdi, Civilian Control Versus Military Rule (New York: Hippocrene Books, 1988), 9.

[2] U.S. Constitution, art. II, Sec. 2.

[3] Historical Division, Joint Secretariat, Joint Chiefs of Staff, Organizational Development of the Joint Chiefs of Staff 1942 – 1989, (1989), 16.

[4] Townsend Hoopes and Douglas Brinkley, Driven Patriot: The Life and Times of James Forrestal (New York: Alfred A. Knopf, 1992), 364.

[5] Organizational Development of the Joint Chiefs of Staff 1942 – 1989, 21.

[6] Ibid.

[7] Ibid., 36-37.

[8] Ibid., 36.

[9] Ibid., 37, 40.

[10] Ibid., 59.

[11] Congress, House of Representatives, Conference Report 99-824, Goldwater-Nichols Department of Defense Reorganization Act of 1986, 99th Cong., 2d sess., 12 September 1986, 3.

[12] Ibid., 15.

[13] Ibid., 97.

[14] Office of the Federal Register, National Archives and Records Service, General Services Administration, U.S. Government Organization Manual 1961-62, (Washington, D.C.: U.S. Government Printing Office, 1961), 139.

[15] Robert S. McNamara and Brian VanDeMark, In Retrospect: The Tragedy and Lessons of Vietnam (New York: Random House, 1995), 9-15.

[16] Ibid., 23.

[17] H. R. McMaster, Dereliction of Duty: Lyndon Johnson, Robert McNamara, the Joint Chiefs of Staff, and the Lies That Led to Vietnam (New York: HarperCollins, 1997), 18.

[18] Organizational Development of the Joint Chiefs of Staff 1942 – 1989, 25.

[19] Ronald H. Cole et al., The Chairmanship of the Joint Chiefs of Staff (Washington D.C.: Joint History Office, Office of the Chairman of the Joint Chiefs of Staff, 1995), 79.

[20] McMaster, 22-23.

[21] Ibid., 108-110.

[22] Cole et al., 88-89.

[23] U.S. Government Organization Manual 1961-62, 142, 158, 184.

[24] Previdi, 136.

[25] Bob Woodward, The Commanders, (New York: Simon & Schuster, 1991), 59-63.

[26] Ibid., 110.

[27] Ibid., 73.

[28] Ibid., 328-329.

[29] Ibid., 175-176.

[30] Cole et al., 147.

[31] Woodward., 179.

[32] Malcolm S. Forbes, Jr., "Fact and Comment," Forbes, vol. 147, no. 6 (March 18, 1991): 23-24; quoted in James R. Locher III, "Taking Stock of Goldwater-Nichols," Joint Forces Quarterly (Autumn 1996): 15.

[33] James R. Locher III, "Taking Stock of Goldwater-Nichols," Joint Forces Quarterly (Autumn 1996): 12-13.

[34] "The Chairman as Principal Military Adviser", Joint Forces Quarterly (Autumn 1996): 31.

[35] Ibid., 30-31.

[36] Stephen J. Cimbala, "The Role of Military Advice: Civil-Military Relations and Bush Security Strategy," in U.S. Civil-Military Relations In Crisis or Transition?, ed. Don M. Snider and Miranda A. Carlton-Carew (Washington, D.C.: The Center for Strategic and International Studies, 1995), 107.

[37] Christopher P. Gibson and Dr. Don M. Snider, Explaining Post-Cold War Civil-Military Relations: A New Institutionalist Approach, Project on U.S. Post Cold-War Civil-Military Relations, Working Paper No. 8 (Cambridge, MA: John M. Olin Institute for Strategic Studies, 1997), 49.

[38] "The Chairman as Principal Military Adviser", 31-32.

[39] E. R. Fidell, "Free Speech v. Article 88," Proceedings: U.S. Naval Institute 124 (December 1998): 2.

BIBLIOGRAPHY

"The Chairman as Principal Military Adviser." Joint Forces Quarterly (Autumn 1996): 29-36.

Cimbala, Stephen J. "The Role of Military Advice: Civil-Military Relations and Bush Security Strategy." In U.S. Civil-Military Relations In Crisis or Transition?, ed. Don M. Snider and Miranda A. Carlton-Carew, 88-112. Washington, D.C.: The Center for Strategic and International Studies, 1995.

Cole, Ronald H., Lorna S. Jaffe, Walter S. Poole, and Willard J. Webb. The Chairmanship of the Joint Chiefs of Staff. Washington, D.C.: Joint History Office, Office of the Chairman of the Joint Chiefs of Staff, 1995.

U.S. Congress. House of Representatives. Conference Report 99-824. Goldwater-Nichols Department of Defense Reorganization Act of 1986. 99th Cong., 2d sess., 12 September 1986.

Desch, Michael C., and Sharon K. Weiner, eds. Colin Powell as JCS [Joint Chiefs of Staff] Chairman: A Panel Discussion on American Civil-Military Relations. Project on U.S. Post Cold-War Civil-Military Relations, Working Paper No. 1. Cambridge, MA: Harvard University, John M. Olin Institute for Strategic Studies, 1995.

Fidell, E. R. "Free Speech v. Article 88." Proceedings: U.S. Naval Institute 124 (December 1998): 2.

Forbes, Malcolm S., Jr. "Fact and Comment." Forbes, 18 March 1991, 23-24. Quoted in James R. Locher III, "Taking Stock of Goldwater-Nichols," Joint Forces Quarterly (Autumn 1996): 10-17.

Foster, Gregory D. "Confronting the Crisis in Civil-Military Relations." Washington Quarterly (Autumn 1997): 15-33.

Gibson, Christopher P., and Dr. Don M. Snider. Explaining Post-Cold War Civil-Military Relations: A New Institutionalist Approach. Project on U.S. Post Cold-War Civil-Military Relations, Working Paper No. 8. Cambridge, MA: Harvard University, John M. Olin Institute for Strategic Studies, 1997.

Hendrickson, David E. Reforming Defense: The State of American Civil-Military Relations. Baltimore: The John Hopkins University Press, 1988.

Historical Division, Joint Secretariat, Joint Chiefs of Staff. Organizational Development of the Joint Chiefs of Staff 1942 – 1989. 1989.

Hoopes, Townsend and Douglas Brinkley. Driven Patriot: The Life and Times of James Forrestal. New York: Alfred A. Knopf, 1992.

Johnson, David E. Wielding the Terrible Swift Sword: The American Military Paradigm and Civil-Military Relations. Project on U.S. Post Cold-War Civil-Military Relations, Working Paper No. 7. Cambridge, MA: Harvard University, John M. Olin Institute for Strategic Studies, 1996.

Locher, James R., III. "Taking Stock of Goldwater-Nichols." Joint Forces Quarterly (Autumn 1996): 10-17.

McMaster, H. R. Dereliction of Duty: Lyndon Johnson, Robert McNamara, the Joint Chiefs of Staff, and the Lies That Led to Vietnam. New York: HarperCollins, 1997.

McNamara, Robert S. and Brian VanDeMark. In Retrospect: The Tragedy and Lessons of Vietnam. New York: Random House, 1995.

Office of the Federal Register, National Archives and Records Service, General Services Administration. U.S. Government Organization Manual 1961-62. Washington, D.C.: U.S. Government Printing Office, 1961.

Previdi, Robert. Civilian Control Versus Military Rule. New York: Hippocrene Books, 1988.

U.S. Constitution, art. II, Sec. 2.

Woodward, Bob. The Commanders. New York: Simon & Schuster, 1991.