CHAPTER V

THE INSTITUTION IN THE UNITED STATES OF AMERICA

THE CONSTITUTIONAL POSITION:

The Constitution of USA provides that defence and foreign affairs shall be national matters and that the constituent States shall have no independent powers in these spheres. In this respect the Constitution of USA represents the ideal type of federalism since there is a clear division of powers and sovereignty between the Central Government and the constituent States and the residuary jurisdiction rests with the States. The preamble to the Constitution which sets out the Objectives, recites the basic purpose for which the federating units have come to terms for the creation of a federal centre. In this recital "providing for common defence" and "ensuring domestic tranquility", are some of the basic objectives which have brought the warring States together to give powers to the federal centre in respect of those items. Thus Article IV Section IV of the Constitution lays down that the Federal Government shall protect every State in the Union against invasion and on "the application of the legislature, or the executive of the State against domestic violence". Although a State may maintain a militia to enforce its proper authority, it may not, unless Congress gives permission, keep troops or ships in time of peace or engage in war unless invaded or in imminent danger thereof.

The great principle upon which defence is conducted is that of the supremacy of the civil authority...
authority over the military. This is accomplished by such a definition of the powers of the President and of the Congress as will leave no room for military domination. Thus it is seen that in the recent war the great questions of policy, for example, whether concentration of force should be first in the European or Pacific theatres of war, where the major offensives should be undertaken, and what the broad distribution of forces should be, were settled in the ultimate analysis by the President himself. Thus the President holds the key position for policy planning approving or rejecting the expert military plans of the Joint Chiefs of Staff. Though the President is assisted by Secretarial staff, the latter are neither responsible to the Congress nor to the electorate in strict constitutional theory. It is the President alone who is recognised by the Constitution and charged with the supreme responsibility for defence and hence he constitutes the highest political organ endowed with full executive powers. The office of the President therefore requires a detailed study.

THE PRESIDENT:
The President of the United States is the central figure in national defence, since in his hands ...
hands are placed both the executive power, separated from the legislative in a way unknown in England, and the command of all armed forces.\(^1\)

The vital function of the conduct of foreign affairs which is indissolubly linked with the problem of defence, is entirely in his hands.

As Commander-in-Chief of the Armed Forces, the President can undertake many military measures short of war. It has long been recognised that he may take such measures as may be necessary to safeguard the 'inchoate interests' of the United States, without any legislative sanction.

Of course, the President has no power to launch an offensive war, or a war of aggression without a declaration by the Congress. It is only in the case of an attack against the United States that the President has power to take emergency measures. He can then call out the forces, and embody the militia, or National Guard, and is bound to take all such steps, including resistance by force, as are necessary for the defence of the United States. This is, in theory, a necessary division of functions, for it is clear that there must be executive power to repel sudden attacks. The difficulty, however, ...

\(^1\) Article II Section II of the Constitution reads as follows:

"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; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment".
however, lies in the definition of a defensive war. Experience during the last fifteen years has shown that the more flagrant the aggression, the more loudly is it likely to be proclaimed as a vital measure of pure self-defence, made necessary by the so-called threatening attitude of the unhappy victim. No country likes to admit, most of all to itself, that it has embarked upon an aggressive war. It is, therefore, likely that any military measures taken by the President would be justified by him as measures of defence within his competence so that the jurisdiction of the Congress is ousted.

Any actual declaration of war, as we have seen must be made by the Congress, by the ordinary legislative methods. Congress in fact has to act on the President's recommendation since by the time he recommends a declaration of war, his conduct of affairs will have made it impossible to avoid hostilities. History shows that the Congress has always declared war when so requested by him, even when it was highly suspicious of his conduct of foreign affairs.

The President is the Commander-in-Chief of the Army and Navy, and of the National Guard when once it has been called into the service of the United States, since the framers of the Constitution felt that such command should rest in the hands of the chief executive. His authority as such is independent of all restrictions or control by the legislative or judicial ......
Judicial departments. The President may, of course, take command in the field, like any military commander, but has never done so in fact with the exception of one short appearance in the field by Washington. He has control over the movements and disposition of the armies in times of war and peace, and the supreme direction of the strategy of the war is in his hands though, in practice, he normally acts in consultation with his Chiefs of Staff. Yet, the ultimate responsibility is his, and he often must shoulder it, as did President Roosevelt in his meetings with the Prime Minister of England from 1941 to 1945, to decide upon strategical matters. The President appoints all officers subject to the approval of the Senate which normally exercises this right in war-time only in respect of senior officers. He has also exclusive powers of removing persons from office and of transferring them from one place or post to another. He could thus, in theory, ensure that no General or Admiral who opposed his views remains in any position of authority or influence.

The President is assisted by civilian Secretaries of War and of the Navy (and, since 1947, of Defence and of the Air Force) who act as buffers between the political branches of the government and the professional heads of the forces.

1 See Article II Section II of the Constitution of U.S.A.
forces. These Secretaries are advised by the Chiefs of Staff as to the technical aspects of the war. It is an illustration of the importance of defence that the Secretary of War was one of the members of the President's Advisory Council from the time of its first meetings in 1789. The view of John Adams that 'national defence is one of the cardinal duties of the statesman' was thus adopted by Washington soon after the establishment of the Constitution.

The so-called President's Cabinet has no pivotal locus standi in the constitutional structure of the State in contrast with the English Cabinet. It was, and is, a purely advisory body, independent of the legislature, and in no way responsible to it, so that a defeat in the Congress of a measure proposed by a member of the executive does not, as it may do in England, involve the resignation of all or any of the members of the Cabinet. The Constitution states that the President could require written opinions from the heads of departments in respect of matters relating to their offices. There is no constitutional provision requiring the President to summon or consult his Cabinet.

The Cabinet members are appointed by the President, are answerable to him alone and are expected to work in harmony with him, since there must be at least an apparent unity in the executive.

The Statute...  

1 See Article II Section II of the Constitution.
The Statute which established the War Department expressly stated that it was to be an executive organ and that the Secretary of War was to be answerable to the President alone and be subordinate to him only. It is of the very essence that there is no division of responsibility by the appointment of the so-called 'Cabinet' of the President since by law and by Constitution, the supreme responsibility for all executive acts is fixed fairly and squarely on the President alone and he cannot pass it on to any of his advisers, whether Secretaries or members of the Joint Chiefs of Staff. Thus the President is the sole central pivot for higher defence policy planning and in this respect he is ably assisted by the elaborate organisation of expert military planners. A brief historical background to appreciate the position of the supreme military planners would not be out of place here.

THE HISTORICAL POSITION.

It was in 1789 that the War Department was split into the Departments of the Army and the Navy each under its own Secretary. The sole organisational link between the two Services was provided by the President himself in his overall capacity as the Commander-in-Chief of the Armed Forces. With the birth of Air Power, a provision was made for both the Army and the Navy to keep necessary aircraft "as weapons applicable to any war-like operations". It may be stated here that this is still the...
still the position in regard to Naval Aviation, but in 1934 the Army Air Force was given a separate status by the creation of the General Headquarters Air Force. A separate Service was thus recognised but still nominally a part of the Army and actually subject to the overall control of the Army Staff. In 1941, however, on the administrative reorganisation of General Marshall, the Air Chief of Staff was elevated within the War Department to equality with the Army Chief of Staff. It was, however, left to the National Security Act, 1947, to constitute the Air Force with a separate Secretary almost equal in status to the Army and the Navy while bringing together the three Services into one organisation under the Secretary of Defence.

However, before passing on to the modern system set up by the National Security Act, 1947, a narrative in outline of the organisation of the General Staff of the War Department during the World War of 1939-45 would help to appreciate the present position.

"GENERAL STAFF" DURING WORLD WAR II.

The high level military planning organisation for the conduct of the war was reorganised in 1942, with the rearrangement of the General Staff of the War Department. Till 1903, the army in the field was under the Commanding General of the Army, who was the ......
who was the senior army officer. However, the commanders of the supply and administrative organs reported directly to the Secretary of War through the Adjutant General's Department. In 1903, the office of Commanding General of the Army was abolished and the first Chief of Staff appointed. The President, as Commander-in-Chief of the Army, then exercised his powers through the Secretary of War who relied upon the Chief of Staff for technical advice and for the direction of field forces and the coordination of all War Department and army affairs. The General Staff, under the Chief of Staff, was responsible for the planning, coordination and supervision of all army affairs. The various supply and administrative services were deprived of their former independence and placed in a War Department group known as special staff. Before the second World War, the commanding generals of the nine Corps Areas in the United States, and of the various overseas theatres, reported to the Chief of Staff through the Adjutant General's office. In 1942, there was a reorganisation designed both to centralise and simplify the working of the War Department. The offices of the Chiefs of the various arms and Services were grouped into three major Commands, the Army Ground Forces, the Army Air Forces and the Army Service Forces. The Area Commanders reported to the Commanding General Army Service....
Army Service Forces; the commanders of army schools and of all tactical organisations of ground forces to the Commanding General of the Army Ground Forces; and all air units in the United States to the Commanding General of the Army Air Forces, who in practice controlled Air Forces abroad as well. The chart given at Appendix 'A' to this Chapter shows the internal organisation of the General Staff of the War Department during the greater part of World War II.

It was customary, during the war, for the Chief of Staff to hold a conference every morning. The Secretary of War often attended and gave complete freedom to the Chief of Staff on military matters, whilst the Chief of Staff referred to the Secretary all questions having political implications. Such conferences were essentially operational ones, on a 'General Staff' level. The Secretary of War himself held his War Council every two weeks or so. At these conferences were present the Under Secretary and Assistant Secretaries of War, the Chief of Staff and his Deputy, and the Commanding Generals of the three major Commands. At these meetings all matters of policy with regard to the War Department were discussed.

Much of the planning which was done in

the War Department...
the War Department was, of course, either preliminary or subsidiary to the Joint Chiefs of Staff. The Joint Chiefs of Staff emerged as a necessary body for the quick decision of problems of military policy and strategy. Consisting of the Chief of Staff of the Army, the Commander-in-Chief of the U.S. Fleet, the Commanding General of the Army Air Forces and the Chief of Naval Operations, this body discussed top level problems. It was able to weigh and the conflicting demands of theatres of Services in a way that the General Staffs, with a natural bias towards their own Services, could not do. The Joint Chiefs of Staff, therefore, supervised all plans and policies as to the strategic conduct of the war, as to the allocation of food, supplies and munitions and the requirements of transport. When this body was joined for the purpose of combined planning with the British Chiefs of Staff the enlarged group was known as the Combined Chiefs of Staff.

However, satisfactory the General Staff system of the Army which we have given in outline may have been, the coordination of defence at the higher level left much to be desired. For example, the Committee of the Joint Chiefs of Staff was unsatisfactory for the exact planning of operations required, since each of its members had what was in effect a power of veto. Apart from this body, coordination was left mainly to informal meetings of the three Civilian Secretaries of the Departments of State, of War, and of the Navy...
of the Navy or to meetings of these officials
and the military commanders summoned by the
President. Thus, during the war itself, and,
more particularly in the years immediately following it, there was considerable friction between
the Services and much doubt as to where particular
powers lay. In 1947, therefore, the National
Security Act was passed to establish a new
national defence organisation.

POLICY AND EXPERT PLANNING UNDER
THE NATIONAL SECURITY ACT, 1947.

In the "Declaration of Policy" enunciated
in Section 2 of the National Security Act, 1947,
the purpose of the enactment as given out is —

(a) "to provide for their (the Army, the Navy
and the Air Force) coordination and
unified direction under civilian control
but not to merge them;

(b) to provide for the effective strategic
direction of the armed forces and for
their operation under unified control; and

(c) for their integration into an efficient
team of land, naval and air forces." 1

There are three basic principles which
emerge from this "Declaration of Policy", namely —

1) ———

1 Public Law 253-80th Congress: Chapter 343, 8,758.
1) The principle of civilian control over the armed forces;

2) The proper coordination of the civilian machinery for the purpose of effective strategic direction of the armed forces; and

3) The achievements of coordination and integration of the armed forces without destroying their independent entity by any scheme of merger.

The 1947 Act, therefore, set up a three-fold machinery which comes under the purview of the organisation for National Security. This is very well illustrated in the chart at Appendix B to this Chapter. The three basic pillars of the National Security Organisation, namely, the National Security Council; (ii) National Military Establishment; and (iii) National Security Resources Board are very briefly described below as they contain the entire organisation not only for higher defence policy planning but also the important cell of expert military planning in the set up of National Military Establishment.

**Higher Policy Planning.**

**Coordination for National Security.**

In order to bring about necessary coordination among the civilian government departments for the effective strategic direction of the armed forces, the 1947 Act has prescribed two mechanisms, viz. the National Security Council and the National Security Resources Board, both of which are essential for the coordination of over-all government....
government effort for the purpose of national security.

(1) NATIONAL SECURITY COUNCIL

Section 101 of the 1947 Act, which sets up the National Security Council, lays down that the function of the Council shall be "to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and other departments and agencies of the government to cooperate more effectively in matters involving the national security." In addition to performing such other functions as the President may direct, the duties of the Council as laid down by that Section are briefly reproduced below:

"To assess and appraise the objectives, commitments and risks of the United States in relation to our actual and potential military power, in the interest of national security, for the purpose of making recommendations to the President in connection therewith; and to consider policies on matters of common interest to the departments and agencies of the Government concerned with the national security, and to make recommendations to the President in connection therewith; and to make such recommendations and such other reports to the President as it deems appropriate or as the President may require, from time to time."

The composition of the Council is important as it is the only organ in the National Security
set up over which the President presides. The permanent members of the Council are:

- The President
- Secretary of State (who deals with Foreign Affairs)
- Secretary of Defence
- Secretary of the Army
- Secretary of the Navy
- Secretary of the Air Force
- Chairman of the National Security Resources Board.

The Secretaries of the executive departments, the Chairman of the Munitions Board and the Chairman of the Research and Development Board are optional members. The membership is statutory and no additions or alterations can be made without the advice and consent of the Senate. The Council has a staff headed by a civilian executive secretary appointed by the President.

The equivalent of the National Security Council in France is the Comité de la Défense Nationale and in Australia as the Council of Defence, whereas in U.K. and India it is the Defence Committee of the Cabinet.

Foreign policy is always intimately connected with defence considerations and is even dependent on it. Thus it is essential to have a body at the highest executive level which would coordinate foreign policy with the military capabilities of the nation. The National Security Council by its composite membership, assures that the military problems involved in a proposed political policy will be ....
will be thoroughly examined before a policy decision is taken. It thus "bundle the military problem and political policy". The establishment of the National Security Council has, for the first time in United States history, set up a governmental mechanism with a view to 'juxtapose international political hopes and military practicability, and to render advice to the President based upon that juxtaposition'. In other words, the National Security Council exists to advise the Government of the day on the proper observance of the maxim that "what is politically desirable must be equated to what is strategically (Defence) possible."

Taking into consideration the duties of the National Security Council, an important organ known as the "Central Intelligence Agency" has been established to assist it. Section 102 of the Act gives the President the authority to appoint a Director with the advice and consent of the Senate from among the commissioned officers of the armed services or from among individuals in civilian life on a pay of $14,000 a year. The functions of Central Intelligence Agency are given in the chart at Appendix B to this Chapter.

(ii) NATIONAL SECURITY RESOURCES BOARD.

This Board has a Chairman appointed by the President from civilian life again "by and with the advice and ..."

1 First Report of the Secretary of Defence, 1948, National Military Establishment, U.S.A.
advice and consent of the Senate", and has the following functions laid down under Section 103 of the 1947 Act:

It is the function of the Board to advise the President on matters relating to the coordination of military, industrial and civilian mobilisation, including:

1) programmes for the effective use in time of war of the Nation's industrial and natural resources for military and civilian needs, for the maintenance and stabilization of the civilian economy in time of war, and for the adjustment of such economy to war needs and conditions;

2) policies for unifying, in time of war, the activities of Federal agencies and departments engaged in or concerned with production, procurement, distribution, or transportation of military or civilian supplies, materials and products;

3) the relationship between potential supplies of, and potential requirements for, manpower, resources, and productive facilities in time of war;

4) policies for establishing adequate reserves of strategic and critical material, and for the conservation of these reserves;

5) the strategic relocation of industries, services, government, and economic activities, the continuous operation of which is essential to the Nation's security.

The composition of the Board is left to the President as Section 103 of the Act lays down that "such heads of representatives of the various executive departments and independent agencies as may from time to time be designated by the President" shall be members of the Board.

From the above it is clear that this is an essential organ....
essential organ for the proper tackling of the economic and manpower resources of the State, specially during an emergency or a world war. It even tackles the industries and economic activities which are the basis of war production. It thus comes within the category of coordination of the civil machinery for purposes of national security.

The President has nominated under Section 103 of the Act the Secretaries of State, Treasury, Defence, Interior, Agriculture, Commerce and Labour as its members, to advise him in matters relating to the coordination of military, industrial and civilian mobilisation, which is the basic function of the Board.

(iii) NATIONAL MILITARY ESTABLISHMENT.

We are particularly concerned with the National Military Establishment the equivalent of which is the "Defence Ministry" - a term well-known in democratic countries.

SECRETARY OF DEFENCE.

It was for the first time in American history that a Secretary of Defence was appointed in 1947 who was to be "the principal assistant of the President in all matters relating to the national security." The Secretary of Defence is to be appointed by the President, but the latter's choice is restricted to one from "civilian life", and Section 202(a) of the Act specifically lays down "that a person who has within ten years been on active..."

1 Section 202(a) of the National Security Act, 1947.
active duty as a commissioned officer in a Regular component of the armed services shall not be eligible for appointment as Secretary of Defense."

This illustrates the fundamental principle of civilian control of which Section 2 of the Act makes a mention in the "Declaration of Policy".

The Secretary of Defence is the basic pillar of the National Military Establishment and he is required to perform the following statutory duties:

1) Establish general policies and programmes for the National Military Establishment and for all of the departments and agencies therein;

2) Exercise general direction, authority, and control over such departments and agencies;

3) Take appropriate steps to eliminate unnecessary duplication or overlapping in the fields of procurement, supply, transportation, storage, health and research;

4) Supervise and coordinate the preparation of the budget estimates of the departments and agencies comprising the National Military Establishment; formulate and determine the budget estimates for submission to the Bureau of the Budget; and supervise the budget programmes of such departments and agencies under the applicable appropriation Act;

5) Submit annual written reports to the President and the Congress covering expenditures, work and accomplishments of the National Military Establishment, together with such recommendations as he shall deem appropriate.

It is essential to note that in spite of the existence of the Defence Secretary, the three Service Secretaries of the Army, Navy and the Air Force...
Air Force have direct access to the President and Section 202 (proviso thereto) lays down that after informing the Secretary of Defence, they may submit any report or recommendation relating to their Department to the President.

THE ORGANISATIONAL SET UP UNDER THE DEFENCE SECRETARY.

The Defence Secretary is assisted in his manifold duties and highly responsible tasks by

a) a Secretariat which functions immediately under him;

b) Boards and Staffs which are four in number, namely, the Joint Chiefs of Staff, War Council, Munitions Board and Research and Development Board; and

c) three Military Departments of the three Services, namely, the Army, the Navy and the Air Force.

In this connection the organisational chart at Appendix 'C' brings out the position very clearly.

As we are primarily concerned with the organisation of planning, it is intended to examine in detail the mechanism at (b) above which provides the expert basis constantly advising the President and his civilian machinery and thus enabling national decisions to be taken.

THE ORGANISATION FOR EXPERT PLANNING.

(i) THE INSTITUTION OF THE JOINT CHIEFS OF STAFF.

During World War II the Joint Chiefs of Staff advised the President on matters of military strategy, the requirements, production and allocation...
allocation of munitions and shipping, the man-
power needs of the armed forces and matters of 
joint Army-Navy policy. The Joint Chiefs of Staff, 
under the direction of the President, made stra-
tegic plans and issued directives to implement 
them. In 1947, however, came legislative recog-
nition of this body as a permanent agency defining 
its composition and its duties.

The Act states that the Joint Chiefs of 
Staff in their corporate capacity will be the 
"Principal Military Advisers to the President 
and the Secretary of Defence."

In composition this Committee is analogous 
to the British Chiefs of Staff Committee in the 
United Kingdom except that it has a Service officer 
as a Chairman in addition to the three Chiefs of 
Staffs of the Services. The following is the 
composition:

Chief of Staff to the CinC (the President)  
Chief of Staff, Army  
Chief of Naval Operations  
Chief of Staff, Air Force.

The duties of the Joint Chiefs of Staff 
as described in Section 211(b) of the 1947 Act 
may briefly be summarised below:

"(b) Subject to the authority and direction 
of the President and the Secretary of 
Defence, it shall be the duty of the 
Joint Chiefs of Staff to—

(1) Prepare strategic plans and to 
provide for the strategic direc-
tion of the Military Forces;

(2)....."
(2) Prepare joint logistic plans and to assign to the military services logistic responsibilities in accordance with such plans;

(3) Establish unified commands in strategic areas when such unified commands are in the interest of national security;

(4) Formulate policies for joint training of the military forces;

(5) Formulate policies for coordinating the education of members of the military forces;

(6) Review major material and personnel requirements of the military forces, in accordance with strategic and logistic plans; and

(7) Provide United States representation on the Military Staff Committee of the United Nations in accordance with the provisions of the Charter of the United Nations.

The Joint Chiefs of Staff shall act as the principal military advisers to the President and the Secretary of Defence and shall perform such other duties as the President and the Secretary of Defence may direct or as may be prescribed by law.

The Joint Chiefs of Staff are assisted by a Secretariat organisation known as the Joint Staff consisting of 100 officers recruited from each of the three Services as also by some Joint Committees. The most important of these Committees may be enumerated as follows:

(i) Joint Strategic Survey Committee which helps in the preparation of studies and the formulation of policy dealing with matters of a joint nature.

(ii) Joint Intelligence Committee which is charged with preparing joint intelligence estimates from information provided by gathering agencies.

(iii) Joint Strategic Plans Committee which is charged with the preparation of both current and future strategic plans and military policy.

(iv) ...
(iv) Joint Logistic Plans Committee which is charged with the preparation of recommendations on such logistic matters and major material and manpower requirements as are the responsibility of the Joint Chiefs of Staff.

(v) Five Joint Communications Committee, the Joint Munitions Allocations Committee and Joint Meteorological Committees.

The principle on which staff is recruited to man these Committees is the same which underlies the organisation of the British Chiefs of Staff, namely, uniting planners with those responsible for their execution.

The institution of the Joint Chiefs of Staff in USA is so akin to the British system in all its basic principles that it may be said to be firmly transplanted there having now taken deep root into the defence structure of the Federal State. There is, however, the significant distinction in so far as the Joint Chiefs of Staff cannot be a direct agency of Congressional control as the British Chiefs of Staff are the effective agents of Parliamentary control of the armed forces through the Prime Minister and the Defence Committee of the Cabinet. The reason is not due to any inherent defect in the Joint Chiefs of Staff organisation in the United States but it is because of the federal structure which enshrines Montesquieu's theory of the separation of powers by virtue of which the President is not directly responsible to the Congress as the Prime Minister of U.K.
of U.K. is to the Parliament at Westminster.

Nevertheless, Congressional control of the President is effective in so far as it votes money for the armed forces. The monetary control of Congress is so supreme that the President has in the ultimate analysis to carry out the wishes of the Congress and in so far as those wishes relate to a particular operation of war they can be effectively implemented by the President through the Joint Chiefs of Staff. Thus the institution of the Joint Chiefs of Staff is not without political significance. Again, in regard to the strength of the armed forces in any particular context, the President is guided by the expert advice of the Joint Chiefs of Staff and it is with the aid of their opinion that the President presents his case to the Congress and to its various Committees and obtains their assent.

(ii) WAR COUNCIL.

The first link up of the expert Service planners with the civilian set up is through the Defence Secretary who is the Chairman of the Defence Council of which the Service Chiefs are members. The Joint Chiefs of Staff and the War Council are sister organisations and it is the function of the latter to advise the Secretary of ....
Secretary of Defence "on matters of broad policy relating to the armed forces" and is required to consider and report "on such other matters as the Secretary of Defence may direct". The composition of the War Council is as follows:

Secretary of Defence - Chairman
Secretaries of the Army, Navy and Air Force
Chief of Staff, Army
Chief of Naval Operations Members.
Chief of Staff, Air Force

The Joint Chiefs of Staff and the War Council are further assisted by two expert Boards which are described below.

(iii) MUNITIONS BOARD.

The Munitions Board is composed of a Chairman and an Assistant or Under Secretary from each of the three military departments of the Army, Navy and Air Force, to be nominated by the Secretaries of their respective departments, as members. The Chairman is to be appointed from civilian life by the President "by and with the advice and consent of the Senate." The functions of the Board have been prescribed in

1 Section 213 ....

1 Section 210 of the National Security Act, 1947.
Section 213 of the 1947 Act and may broadly be stated to be the translation of the strategic and logistic...
and logistic plans of the Joint Chiefs of Staff into administrative action in the sphere of providing material. Again, it is the function of the Board to determine priorities within military procurement programmes of the Services and to coordinate these programmes with the industrial resources of the country. It acts as the coordinating authority in the sphere of munitions production and supply.

(iv) RESEARCH AND DEVELOPMENT BOARD.

The Chairman of the Board is nominated by the President, again with the advice and consent of the Senate, and is composed of two representatives from each of the Departments of the Army, Navy and the Air Force designated by the Secretaries of their respective Departments. The purpose of the Board is to advise the Secretary of Defence as to the status of scientific research relative to the national security, and to assist him in assuring adequate provision for research and development on scientific problems relating to the national security. 1

The duties of the Board as laid down by Section 214(b) are as follows:

1) to prepare a complete and integrated programme of research and development for military purposes;

2) to advise with regard to trends in scientific research relating to national security and the measures necessary to assure continued and increasing progress;

3) to recommend...

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1 Section 214(a) of the National Security Act, 1947.
3) to recommend measures of coordination of research and development among the military departments, and allocation among them of responsibilities for specific programmes of joint interest;

4) to formulate policy for the National Military Establishment in connection with research and development matters involving agencies outside the National Military Establishment;

5) to consider the interaction of research and development and strategy, and to advise the Joint Chiefs of Staff in connection therewith; and

6) to perform such other duties as the Secretary of Defence may direct.

Thus the Board decides who develops what weapons. It also ensures that there is no unnecessary duplication in the activities of the three Services, although it may permit competition which promises to produce a better result. Dr. Bush was appointed the Chairman of the Board in 1947 and in the First Report of the Secretary of Defence in 1948, the Board was stated to have reviewed 18,000 projects of which 5,000 had been completed.

THE REPORT OF THE HOOVER COMMISSION ON THE NATIONAL MILITARY ESTABLISHMENT.

In the military sphere the prompt taking of a correct decision and its successful prosecution requires the fullest cooperation of the expert Service officer in uniform with the civilian Defence Secretary and his political head, the President. The cooperation of the two elements is not easy of achievement and always calls for better standards leaving room for progressive improvement.

As the organisation...
As the organisation for planning at all levels visualises this cooperation, the Government have appointed commissions from time to time to inspect the existing machinery and to make suggestions. The report of the Hoover Commission in this respect deserves a mention as it discusses the place and position of expert military planners in relation to the political organs of the State.

The Statutory Hoover Commission appointed to examine the organisation of the Executive Branch of the Federal Government had set up a Sub-Committee to examine the defence structure.

While discussing civilian control and accountability, the Commission enumerated certain principles that must underlie systems of organisation in order to assure the "three essentials of good Government management, namely, efficiency, economy and clear accountability to the Congress and the people." The Commission further observed that these principles call for "centralisation of authority and control in the President and the department heads, for clear lines of command and accountability" to be established beyond doubt. "Without these", the Commission stated, "the President and the department heads cannot exercise positive control and hence cannot be held responsible by the Congress and the people."
the people for failures or deficiencies of performance." The Commission found that in the National Military Establishment the above-mentioned principles were repeatedly violated.

In support of this contention the following three observations were made by the Commission in their report which was published in February 1949:

a) The President's authority has been curtailed by statutory stipulation of the membership and duties of both the National Security Council and the National Security Resources Board - the Cabinet committees concerned with vital defence policies.

b) The authority of the Secretary of Defence, and hence the control of the President is weak and heavily qualified by the provisions of the Act of 1947 which set up a rigid structure of federation rather than unification.

c) In direct proportion to the limitations and confusions of authority among their civilian superiors, the military are left free of civilian control.

As singleness of control is the essence of efficiency, the Commission held that the scattering of authority in the National Military Establishment was "expensive, promotes rather than curtails service rivalry, and destroys the very principle of unification." It further observed that "accountability is most strongly enforced when the President and the Congress, in the people's name, can call a single official to book for his conduct of a government operation." In their report, therefore, the Commission proceeded to make the following recommendations:

(a) That....
(a) That the principle of unified civilian control and accountability be the guiding rule for all legislation concerned with the National Military Establishment and that full authority and accountability be centred in the Secretary, Department of Defence, subject only to the President and the Congress.

(b) That all statutory authority now vested in the Service Departments, or their subordinate units, be granted directly to the Secretary of Defence, subject to the authority of the President, with further authority to delegate them as he sees fit and wise.

(c) That the Secretary of Defence shall have full authority, subject only to the President and the Congress, to establish policies and programmes.

(d) That the Service Secretaries be deprived of their privilege of appeal over the head of the Secretary of Defence; that they be directly and exclusively responsible to him; that the Secretary of Defence be the sole agent reporting to the President; that the Service Secretaries, to clarify their positions, be designated as Under Secretaries for Army, Navy and Air Force.

(e) That specific provisions be made that the three military Services shall be administered by the several Under Secretaries subject to the full direction....

full direction and authority of the Secretary of Defence.

(f) That there shall be a Joint Chiefs of Staff representing the three Services, appointed by the President and subject to confirmation by the Senate and that the Secretary of Defence, with the President's approval, shall appoint a chairman to preside over the Joint Chiefs of Staff and to represent, and report to, the Secretary of Defence.

(g) That all administrative authority be centred in the Secretary of Defence, subject only to the authority of the President, including full and final authority over preparation of the military budget and over the expenditure of funds appropriated by the Congress.

(h) That full authority for the procurement and management of supplies and material be vested in the Secretary of Defence. The Secretary can delegate this authority to the Munitions Board (or to other officers or agencies as he may determine) with directions to expedite by all possible means the elimination of costly duplication in procurement and waste in utilization among the three Services.

(i) That, in line with the recommendation for an integrated system of military personnel administration, military education, training, recruitment, promotion and transfers among the Services be put under the central direction and control of the Secretary of ....
the Secretary of Defence.

(j) That the recruitment of civilian employees should be decentralised into the National Military Establishment under standards and procedures to be approved and enforced by the Civil Service Commission.

(k) That full authority be vested in the Secretary of Defence, subject only to policies established by the Congress and the President, to prescribe uniform personnel policies for civilian and military personnel throughout the several Services.

The Commission made several other recommendations relating to the organisational set up of the National Military Establishment. For example, they found that there was a lack of "cost consciousness" with the result that military expenditure tended to be overlavish. The budgetary system needed overhaul and a closer control at all levels was recommended in regard to the progress of scientific research to ensure against a wasteful use of resources in the sphere of weapon provision.

It is, however, of considerable importance to note that the Committee considered and rejected the following proposals which were mooted with the view to improving inter-Service collaboration:

(a) ......
(a) A single military chief of Staff and
general staff over all the three military
Services.

(b) Merger of the three military departments
into a single department.

(c) Merger of the Naval Air Arm with the Air
Force.

In regard to (a) above, Vice Chairman,
Acheson, submitted a separate statement which is
of considerable significance. It is brought out
in his dissenting note, as it were, that the
Joint Chiefs are too remote from the control of
their civilian heads, the constitutional Commander-
in-Chief and his chief adviser, the Secretary of
Defence. They are also too remote from the
civilian scientists and the Munitions Board. The
individual Chiefs of Staff are further accused
of allowing themselves to be influenced far too
much by considerations of Service particularism
and aggrandizement and in this respect they are
reported to have failed "to recognise and accept
their responsibilities as an integrating agency
of national policy." The note of Vice Chairman
Acheson recommends the creation of a post of a
single Chief of Staff which would remedy these
faults. His recommendation is that if efficiency
and economy are to be really achieved, reforms
must start with the "nerve centre of unification -
the Joint Chiefs of Staff." A single Chief of
Staff supported by adequate subordinate staff
would be free from particularistic views to one
Service. The principle of civilian control is
strong ....
strong if there is a clear line of responsibility which can be established on the single Chief of Staff much better than on an organisation of three or four members. Mr Acheson had gone on to argue that if the Hoover Commission had agreed with the proposal of a single Secretary of Defence, there was an equally strong reason for centralising authority by the creation of a single Chief of Staff as adviser to the Defence Secretary.

Another interesting recommendation relates to the appointment of a 'principal military assistant or Chief Staff Officer'. This recommendation is of great significance in that it clearly points out the necessity of associating a civilian in the formation of plans at the Chiefs of Staff Committee level. The Chief Staff Officer to the Secretary of Defence was to be junior in rank to the regular members of the Joint Chiefs of Staff. It was recommended that he should sit with the Joint Chiefs of Staff but without membership and be responsible for representing and interpreting the Secretary's point of view in the latter's absence. These and other recommendations of the Hoover Commission, as far as is known, have not been implemented. They, however, prove beyond doubt that the Government is still actively considering the possibilities of improving the organisational structure of policy and expert planning and the proper coordination and constant cooperation of the two to produce quick and harmonious results.