

INCIDENTAL PAPER

**Seminar on Command, Control,
Communications, and Intelligence**

**Special Operations and Low Intensity
Conflict: A Congressional Perspective
James R. Locher, III**

Guest Presentations, Spring 1988

Rae M. Huffstutler; Richar L. Thornburgh; James R. Locher, III;
Robert T. Herres; John F. McLaughlin; Jerry O. Tuttle;
Earl F. Lockwood; Robert C. Kingston; Frank J. Breth;
Ruth M. Davis

March 1989

Program on Information Resources Policy



Center for Information Policy Research



Harvard University

The Program on Information Resources Policy is jointly sponsored by
Harvard University and the Center for Information Policy Research.

Chairman
Anthony G. Oettinger

Managing Director
John C. B. LeGates

Copyright © 1989 by the President and Fellows of Harvard College. Not to be
reproduced in any form without written consent from the Program on
Information Resources Policy, Harvard University, Maxwell Dworkin 125,
33 Oxford Street, Cambridge MA 02138. (617) 495-4114

E-mail: pirp@deas.harvard.edu URL: <http://www.pirp.harvard.edu>

I-89-1

Special Operations and Low Intensity Conflict: A Congressional Perspective

James R. Locher, III

Mr. Locher is a Member of the Professional Staff and senior staffer for the Subcommittee on Projection Forces and Regional Defense, Senate Committee on Armed Services, where he is responsible for military strategy and defense reorganization issues. From 1985 to 1986, he directed the bipartisan staff effort that resulted in the Goldwater-Nichols DOD Reorganization Act of 1986, and was the principal author of the study Defense Organization: The Need for Change. Previously, he was the Senior Committee Adviser on International Security Affairs, responsible for force projection programs, including airlift, sealift, amphibious warfare, and rapidly deployable forces. In addition, he has held several positions in the Office of the Assistant Secretary of Defense for Program Analysis and Evaluation, and served as Executive Secretary of the White House Working Group on Maritime Policy, Executive Office of the President, on an effort that resulted in the Merchant Marine Act of 1970.

Oettinger: We're delighted to welcome once again Jim Locher. He needs no introduction. You will have read his biography, and know that he is a repeater here, most recently on the role that he played with regard to the Defense Reorganization Act. He may have some remarks to make on that and on some other matters he's engaged in these days, but we have invited him to focus on another element of many of the problems that he's handled while on the Senate Armed Services Committee staff, mainly the role of the special forces and low intensity conflict.

Locher: Well, I'm glad you've read my bio in advance. Usually when I'm introduced, the highlights are West Point which produces a groan, and Harvard Business School, which produces another. I was a systems analyst in the McNamara "whiz kids" office, which doesn't go down with most military people, and now I'm on Capitol Hill. That's an awful lot to try to recover from after an introduction.

I must say that possibly the worst introduction I've ever had was when Senator Goldwater asked

me to go out and give a presentation, and the fellow fumbled through much of the introduction. He said, "Well listen, we all know why we're here. We're here to hear the latest dope from Washington."

The subject that I'd like to talk to you about is reform and reorganization of special operations and low intensity conflict — policies, programs, and capabilities. I have put together some vignettes that I will talk from. I'll put them up here so you'll have a sense of where I'm going on this. I would prefer that you interrupt me with your questions as I go through this presentation. That will give me a better sense of your interest and your knowledge in some of these areas, and then maybe I can try to direct my comments to that.

As was mentioned, I spent two years working on the Goldwater-Nichols Department of Defense Reorganization Act. I wrote a lengthy study on that and did most of the writing of that legislation. The work that the Congress did with respect to special operations and low intensity conflict in terms of reform and reorganization followed right on the heels of the Goldwater-Nichols Act. It might have been best if we could have included it, but our under-

standing of the issues was not developed enough at the time that we were moved to bring that legislation. But as it was working its way through, we continued to study these other issues. We finished Goldwater-Nichols in September and in October we did this reorganization. So they were in separate documents, but there are a lot of similar themes and a lot of the things that we learned in Goldwater-Nichols came through in this effort.

Like the broader defense reorganization, the SOF (special operations forces) reorganization was another area where the Executive Branch and the Congress were at complete odds. This was another "knock 'em down, drag 'em out" battle. From the congressional point of view, particularly on the Senate side, we were very reluctant to try to find new legislative solutions to the problems that we saw. In one respect the legislation we'd have to develop would have to be extremely specific and it would set some dangerous precedents that, having gone through Goldwater-Nichols reorganization, we were going to trample on some of the principles that we had tried to establish in the broader reorganization.

So, the Congress was very reluctant to do this via legislation. But in the end we were forced to because the Defense Department was not prepared to address the fundamental problems that we saw.

In my presentation, I'm going to cover these subjects (figure 1). I will try to give you a sense, from the congressional perspective, of the evidence that we saw of deficiencies, what the congressional concerns were, and the battle leading up to legislative solutions — I mentioned to you we were reluctant to do this in the law. Then I'll talk about the initial provision that was adopted in the fall of 1986 and DOD's response to that; the congressional follow-up, when we had to grab the hammer again; and then talk a little bit about the current status.

To talk about evidence is a little bit difficult in this unclassified forum because there's a lot more that I could say, a lot more that we were aware of, much of it very sensitive information that has not been declassified. So it's difficult in any forum to talk about problems that the Congress saw with respect to special operations forces and low intensity conflict.

The Iranian rescue mission (figure 2) is something that you're all familiar with. Our inability to conduct that operation successfully has been a source of major concern on Capitol Hill — one of the issues that was the focus of the Goldwater-Nichols Defense Reorganization. The bombing of the Marine barracks in Beirut has a slightly different twist, be-

cause those people in the Department of Defense who were focusing on terrorism and counterterrorism had some things that they were trying to say to the Marines who were in Beirut and people were not prepared to listen. Grenada is where we used a significant portion of our special operations capability, and there were some real problems. I will talk about these a little bit more when I try to draw the problems into some of the themes that the Congress was concerned about.

In the *Achille Lauro* incident, and in a number of other times when we've tried to employ our counterterrorism capabilities, there has been inadequate support. Much of that has been related to airlift. The *Achille Lauro* incident is the only one that I've seen discussed in an unclassified forum. We were not able to get our airlift assets down to employ a counterterrorism team. But there have been a number of additional incidents in that regard.

In part because of some of these problems, the Congress grabbed hold of the SOF airlift issue and tried to force some programmatic changes in the Department of Defense, which the Department complied with and immediately undermined. This caused a lot of concern on Capitol Hill. Then, if we talk about the distant past, there are *Mayaguez* and the concerns about Vietnam and what lessons we've learned out of Vietnam.

Going from those examples of the evidence, let me talk about the congressional concerns with respect to special operations forces. Please don't hesitate to interrupt me if I say something you don't understand, or if you have a question that you'd like to pose.

Student: Through your examples, I don't understand the nature of what you mean by low intensity, and I'm not sure that I'm going to continue understanding congressional concerns, if I don't understand when low intensity stops being low intensity.

Student: That in itself is an issue that's been debated in the last nine years, and trying to define it has taken four years. Is there anything other than what is considered conventional warfare? Does the definition describe anything below conventional warfare — I mean, conflicts that don't have a central battle plan or that use a different kind of SIOP (single integrated operational plan)? Even among the military today there is no absolute definition for low intensity conflicts.

Locher: As a matter of fact, when the Congress was going through this issue, nobody had a common definition for these various terms and people

- Evidence of deficiencies
- Congressional concerns
- Approaching legislative solutions
- Key legislative provisions
- DOD initial response
- Congressional follow-up
- Current status

Figure 1. Overview

- Iranian rescue mission
- Bombing of Marine barracks in Beirut
- Grenada
- Inadequate support for *Achille Lauro* and other counter-terrorism efforts
- DOD resistance to SOF airlift initiatives
- *Mayaguez*
- Vietnam

Figure 2. Evidence of Deficiencies

were talking past each other in terms of low intensity conflict — what did they mean? A number of the people who came up to Capitol Hill essentially said the issue had gotten such limited attention that we hadn't developed the concepts, the definitions, and we were not even able to talk between Capitol Hill and the Department of Defense or between various elements of the Department of Defense.

Oettinger: Be careful not to get bogged down in definitional questions, because often the problem is not conceptual; that is, people involved there have a pretty good understanding of what might be meant, including, for example, the boundary between special forces action and low intensity conflict and a police action. But there are many instances where it is not politic or desirable to nail the definition down. If you think of the use of the term "police action" which was applied to the Korean conflict, you get a sense, on one level, that it was about as conventional a bit of warfare as one has seen in history. And yet its formal characterization, for reasons that have very little to do with the nature of the warfare itself, was as a police action.

Locher: Anyway, I'm not the best person to help you in terms of sorting out these various definitions. This was a source of major concern back in 1986. I'm not certain that the problems have gone away. I

will try to be a little bit more precise as I go through all of this, but I apologize in advance if I leave you confused.

McLaughlin: If someone is still looking for a research topic, that would be a welcome one.

Oettinger: As long as you don't try to write a definition, but compile other people's definitions and what lies behind them. What is the objective of this definition? If you treat these things as if they're logical, you're off on the wrong foot.

Locher: I pulled together some themes that were of concern to members of the Congress (figure 3). The growing terrorism threat — that's pretty obvious. The second thing that I've listed here — the fact that conventional force commanders did not understand special operations forces — their capabilities, their requirements — was a major source of concern on Capitol Hill. We saw this problem, in particular, in Grenada, where conventional force commanders had greatly misused our special operations forces and caused them to come under much greater risk than they should have. Our special operations capabilities are very hard to grow, and so they cannot be used lightly. There was a real concern that for the most part, the Department of Defense was dominated by people who had a conventional focus, and that we had the special operations capability that

Special operations forces:

- Growing terrorism threat
- Lack of understanding of SOF by conventional commanders (Grenada; Beirut)
- Inadequate funding (*Achille Lauro* and others)
- Poor promotion opportunities
- No interservice coordination (Iran)

Low intensity conflict:

- Predominant form of warfare during postwar era
- DOD planning and programming neglect—too focused on fighting the Soviets in a big war
- Limited interagency coordination
- Inadequate attention to non-military instruments

Figure 3. Congressional Concerns

could play a vital role, but it was not well appreciated or understood, and people on Capitol Hill were very concerned about that.

They were also concerned about inadequate funding. Special operations was a very low priority in the Department of Defense. Even as the terrorism problem was growing, we were able to get more money for counterterrorism, but not more money to support our counterterrorism efforts, and there was a lot of evidence. Despite the efforts of the Congress to do something about it, the services who held this as a low priority were undermining this.

Student: Are you able to give a specific example of how conventional commanders didn't understand or appreciate the special forces? I'm not doubting that there are examples, I'm just curious.

Locher: I think the problem that you're raising for me in this regard is that I don't know how much of this is classified and how much is not. Let me just say that the operational techniques of the special operations forces were not understood by the conventional commanders, and they were asked to conduct operations at a time of day and under circumstances which imposed tremendously increased risk. There was just no understanding of their operational approach, or what they could do, or how they could do it, or what they needed — no understanding whatsoever.

McLaughlin: Let me try to get Jim off the hook on that. There is a book — I won't swear how much of it is true — called *Military Incompetence: Why the American Military Doesn't Win*, by Richard Gabriel,* that has a chapter on Grenada, and a lot of the discussion is about misuse of special forces. Jim doesn't have to risk classified sources.

Locher: There's also Arthur Hadley's book, *The Straw Giant*,** that has a long discussion on Grenada. It's been a while since I read it, so I don't know to what extent it goes into this issue. But I should say that when the Senate was getting down to making decisions on this, they received testimony from a key commander involved in Grenada who laid these problems out in a very highly classified session and it had a major impact upon the Senate.

Student: Can you explain the inadequate funding? That seems strange to me, knowing that the Con-

gress' main power is the power of the purse. You're saying that these different services were playing around with their budgets and not telling Congress that they were switching funds from special operations forces budgets to another budget?

Locher: I'm going to get ahead of myself a little bit, but let me try to respond to you. First of all, the SOF funding in the defense budget was scattered throughout the entire budget. So it was very difficult to pull it together in a coherent manner and review it. The other problem that you had is that the services had a tendency to reprogram funds even after they had been approved by the Congress.

The thing that I was talking about was where the Congress tried to force the services to do something on special operations forces airlift. Senator Nunn put in an amendment, which Senator Goldwater supported, that said that the CINCs' requirements for special operations forces airlift had to be funded within the five-year defense plan (FYDP), and the Secretary of Defense had to certify that it was. Other moneys for the Department of Defense were what we call fenced — were not available — until he made that certification. Well, the services put it into their FYDP, he made the certification, and three or four weeks later the money was removed and given to other purposes. There are a lot of games that can be played by the Department of Defense.

Student: But that reprogramming isn't technically legal. Don't they have to get congressional authorization to reprogram?

Locher: Only above certain thresholds. Below that they can do as they please.

Student: Which is the real problem — that it's disaggregated into all these ...

Locher: Right. It is very difficult to get a sense of the entire program and where it is. Now, we've taken steps to correct that.

Oettinger: It's the enormous power of standing still, and that would be underestimated. It's one thing to stop people from doing this, and another thing to compel them to do something positive. You can appropriate all the money, but if they don't want to do it — even if the money doesn't disappear, it doesn't get spent.

Locher: In a few minutes I'll go into why all these people are opposed to it. We also saw the problem of poor promotion opportunities. As various senior positions in special operations were being created in the Joint Staff, they had to be filled by generals, or flight officers, who had no special operations back-

*Richard A. Gabriel, *Military Incompetence: Why the American Military Doesn't Win*. New York: Hill and Wang, 1985.

**Arthur T. Hadley, *The Straw Giant: America's Armed Forces: Triumphs and Failures*. New York: Random House, 1986.

ground — a major concern on Capitol Hill. There was no inter-service coordination. All of this was being done in single-service channels, and we had created one joint organization for counterterrorism. For the most part, the rest of the services were doing a separate thing, and whenever they had to pull together, it was extremely difficult.

Now in terms of low intensity conflict (figure 3), I must say that in this area the Congress had a lot of concerns but not many ideas as to what to do, and the legislation is much more heavily oriented to special operations forces. We were seeing that low intensity conflict was the predominant form of warfare in the post-war era, that DOD planning and programming had essentially neglected our needs there, and that the services were focused on fighting the Soviets in a big war. A lot of that came about after Vietnam, when the services felt the need to justify their programs on Capitol Hill, and to the Office of the Secretary of Defense, based upon a NATO scenario. That has continued to be the dominant focus.

Beyond the Department of Defense there were no real mechanisms for inter-agency coordination. The development of the nonmilitary instruments that could be used in low intensity conflicts was not being given much consideration in the Executive Branch.

Student: For example?

Locher: The economic assistance types of things that we could do in low intensity conflicts. The nation-building sorts of things that could be done with resources other than military ones. None of those things were really being approached from a comprehensive basis in the Executive Branch. Particularly within this administration, I think the focus has been much more on military instruments in some of these low intensity conflicts.

One example: as you may know, there's been a lot of concern in the Philippines about how that insurgency is being fought there. I don't know exactly what role the United States has played. If we have played a role, we have not been very successful in advising them because they are not doing the kinds of things that they need to fight that insurgency in terms of nonmilitary kind of instruments.

Oettinger: Let me just flag that as a topic of consideration in some of your papers and later in the semester as well. There are many subtle shades of National Security, capital N, capital S, as reflected in the National Security Act of 1947, and the military forces and the intelligence community and so on. The national security, lower case n and lower

case s, deals with what makes this country secure — which includes economic wellbeing, which includes any number of other kinds of factors which other governments have a much easier time coordinating. If you look at the headlines of the last couple of days, there was an article about Kuwait making investments. The Kuwaiti government can fairly easily get its act together and use economic power as a means.

In the United States the hitching between the private sector and the public sector — the government — on economic matters is an extraordinarily difficult thing to do even on that end of the spectrum. When you then shade over from economic into the military — you've seen the shadings that are debated over Nicaragua — where does one thing end? It's an extraordinarily difficult set of problems because they cross a variety of rather sharp constitutional, legal, and other boundaries. They're not easily handled. This is the area that he's talking about.

Locher: In 1986, an Army group completed a joint study which gained a fair amount of attention on Capitol Hill, talking about low intensity conflict. They said, "As a nation, we do not understand low intensity conflict. We respond without unity of effort. We execute our activities poorly, and we lack the ability to sustain operations." I think that's absolutely true of the Department of Defense, which has not had much of a focus on low intensity conflict, and for the entire Executive Branch, which has done very little in the nonmilitary fields.

Student: A minor point. You said the Army group, and then you said "joint." Is it one side or the other?

Locher: The Army actually formed this group, and they gave it the title "joint." It really started with the Army and, more often than not, it's referred to as an Army study.

With that background, let me talk a little bit about what was happening on Capitol Hill (figure 4). In both the House and the Senate, bills focusing upon these problems were introduced in early 1986. Members had gotten involved for a number of years based upon operational failures or deficiencies. They began to talk to people in the community. They began to talk to the defense academic community about their views on these issues. By early 1986 they decided to try to spur the Department of Defense into action. I don't know what motivated Congressman Daniel over on the House side to introduce his piece of legislation, but on the Senate side I do know that Senator Cohen and Senator

- **Bills Introduced in early 1986**
 - House (Daniel) - National Special Operations Agency
 - Senate (Cohen/Nunn) - Assistant Secretary of Defense/Unified Command/NSC
- **JCS proposal**
 - In response to bills
 - Too modest; too temporary; too personality dependent
- **House acts on Daniel bill**
- **OSD/JCS/Senate negotiations**
 - Throughout summer and early fall 1986
- **Senate considered Sense of the Congress language; decided on forcing legislation**
 - Ran counter to principles of DOD reorganization

Figure 4. Approaching Legislative Solutions

Nunn felt that if they threatened the Department of Defense with a piece of legislation, the Department then might take the Congress seriously and respond.

The Daniel bill called for something that he was going to title "the National Special Operations Agency." It was going to be a defense agency and, in all respects, it was essentially going to be a fifth service. It was going to be an agency that had an operational role. It was going to have a civilian as its head, but that civilian was going to be in the chain of command. But in addition to having an operational role, it was going to be like other defense agencies in that it was going to have an administrative role. It would have budget authority. It would do all of its own procuring. So in one organization, he was essentially going to combine a unified command and a service into something that, in effect, would have been a fifth service.

On the Senate side, Senator Cohen and Senator Nunn proposed what has essentially now become the law. An Assistant Secretary of Defense would focus on special operations and low intensity conflict. There would be a new unified command and some attention to these issues at the National Security Council.

The Department of Defense did, in fact, respond. The JCS saw these two proposals.

Oettinger: You mentioned a moment ago reluctance in the Congress to introduce legislation. Could you expand a little bit about why the reluctance, and then what broke down that reluctance?

Locher: Okay. The reluctance on Capitol Hill to do all of this legislatively was that in the Goldwater-Nichols Act we had decided to try to give the Secretary of Defense more flexibility in organizing his office. We specified fewer Assistant Secretaries of Defense. We wanted to specify none, but we were forced by political considerations and by lobbying by certain elements of the Pentagon to specify two. We were very reluctant to specify an Assistant Secretary of Defense.

The Congress had never established a unified command by law. We saw that as a very dangerous precedent and as an infringement on the prerogatives of the Commander in Chief. We were very reluctant to have the Congress specify the commands of our fighting forces. With respect to the National Security Council, that's really the President's board, and we were reluctant to interfere, especially if we tried to tell him what officials he should and should not designate. And Congress was very reluctant to come in and say, "The Council ought to have these kinds of activities and these

kinds of officials." When Senator Cohen and Senator Nunn put together their package, they had all of these concerns and they were very reluctant to press them to actual forcing legislation.

Student: Hasn't the Executive Branch traditionally favored unification of command?

Locher: No, they have not. When you ask the question, are you talking about the President, the Secretary of Defense, or the Department of Defense as a whole?

Student: As a whole.

Locher: No.

Student: Neither has the President?

Locher: No. Let me try to give you a brief response to a long area. After World War II it was absolutely obvious that we needed a unified defense establishment. Truman set out to get that, and Eisenhower continued to press for a truly unified establishment, not only in Washington but also in the field. In 1947 we created the National Military Establishment, a very weak confederation with a very weak Secretary of Defense at the top.

In 1949 Truman was able to get the Congress to approve a Department of Defense, and some strength and authority for this Secretary, and there were additional changes made under Eisenhower in 1953 and 1958. But until the Goldwater-Nichols Act was passed in the fall of 1986, the defense establishment was not truly unified. In both Washington and in the field there remained a relatively loose confederation of single-service interests. We were unable to do unified planning in Washington and we were unable to execute unified operations in the field. The Secretary of Defense did not have sufficient authority. You didn't have a military officer in Washington who could provide effective advice, and the commanders in the field could not prepare their forces in peacetime or command them in a crisis to carry out effective actions.

Why did this occur? You had Truman and Eisenhower and their Secretaries of Defense who were pushing for unification because they felt the growing international role of the United States and the evolution of warfare absolutely demanded it.

Who was opposed to it? Well, the Congress was opposed to it, but so were the services. The services wanted to remain independent. They did not want to come under an effective central authority. Why did the Congress want the services to remain independent? Because that maximized congressional power, especially in things in which they had an interest:

local politics — where the ships were going to be built, and where the battalions were going to be posted. When power was diffused in the Department of Defense, the Congress could be more powerful. This has a long history. If you go back to the Spanish-American War and you look at what happened during the war — it was an absolute disaster. There was no real central authority in the War Department or the Navy Department. After the war it was determined that we needed to create these centralizing mechanisms.

The autonomous bureaus in the War and the Navy Departments fought unification. So did the Congress, because those bureaus were really linked tightly with key congressmen and key congressional committees and subcommittees. Throughout the first two decades of this century, there was this struggle to produce some central authority. It had some successes; we eventually had a more powerful Chief of Staff of the Army, and the Chief of Naval Operations eventually was created. We had a joint board to try to coordinate between them. But in terms of what was needed, it was really very modest.

We went through this struggle up to World War II. The war forced some changes. The bureaus lost their authority because we needed more central administration of the War Department and the Navy Department. But the war really proved — particularly Pearl Harbor where we had the disaster of divided command — that we needed a unified effort. In some theaters we had more of a unified effort, but in others we did not — in the Pacific in particular.

After the war there was a great debate over what kind of Department of Defense we were going to have. It was the Congress and the services who were able to frustrate the desires of Truman and Eisenhower and their Secretaries of Defense. Since 1958, we have not had an effort by a President or a Secretary of Defense to make any changes, I think, basically, because they thought they could not. And what eventually happened in the Goldwater-Nichols Act was a complete reversal. You had the services and the Congress breaking ranks and being the major opponents in this effort. You had the Secretary of Defense siding with the services, and the President some place in between, initially sort of on the Weinberger side because they were fairly close, and then later seeing the writing on the wall, and the Packard Commission coming more towards what the Congress needed to do.

Why did the Congress decide to give up some of the power that it held indirectly? In fact they were

going to, as they strengthened some of the central civilian and military figures. They essentially looked at what was going on in the Department of Defense. One disaster after another. One operational failure or deficiency after another. Duplication. No ability to look at service roles and missions. And they essentially said, we can't tolerate it. So the Congress took on the entire Department of Defense in a major battle. Outside the Beltway people may not have known this battle was going on, but inside the Beltway it was a "knock 'em down, drag 'em out" for about a year and a half. Some effective reforms were put in place.

McLaughlin: I would just as soon have Jim talk about special operations today. His remarks from last year on defense reorganization will soon be available, as will be the Arch Barrett remarks from the House side.

Locher: I told you it was going to be a long answer.

Oettinger: It's a very important question, but it's not what we want to hear today.

Locher: But it does give you a little bit of insight into the special operations issue as well, because there are some similarities.

The JCS did respond to what was going on in Capitol Hill. They came out with their own proposal — sort of in the late spring. But in the view of Capitol Hill, it was way too modest, too temporary, and too personality dependent. The House moved forward and put the Daniel bill into their defense authorization legislation, and the Senate entered into a prolonged period of negotiations with the Joint Chiefs of Staff, the Joint Staff, and the Office of the Secretary of Defense.

Here's where you see the Senate very reluctant to do this in law. What they were really trying to do was use the leverage of having the law to force the JCS to go further and to put into place reforms that were much more meaningful. What ended up happening was that until the last moment the Senate was prepared to do "sense of the Congress," which is not forcing. The language says the Senate thinks that the Department of Defense ought to do the following things, but it does not have the effect of law. At the last moment, particularly after testimony on Grenada, the Senate decided that in the national interest we were going to have to tramp on some principles in defense reorganization and force these dramatic changes in terms of special operations and low intensity conflict.

The Senate put the Cohen-Nunn legislation into its bill and we went to conference. I won't run you through all of the details of the final provision (figure 5), but I'll try to give you the highlights of what we did in law. This was in the National Defense Authorization Act for fiscal year 1987. A lot of people will say this was done in the defense reorganization bill, but it was not. It was a separate piece of legislation.

We created an Assistant Secretary of Defense for Special Operations and Low Intensity Conflict. He would provide overall supervision of the special operations and low intensity conflict activities of the Department of Defense. We created a unified combatant command now called the U.S. Special Operations Command (USSOCOM) — the first time the Congress has ever done that in law. We specified the grade of the commander of that command. The Department of Defense would have given him as low a grade as they possibly could to prevent him from having real clout. So the Senate said, "He's got to have four stars, and he can be appointed only by the President, and only with the advice and consent of the Senate." So we kept some control over the quality of the person who was going to go there.

He was given responsibilities to prepare all special operations forces for assigned missions. We essentially said — and here we had a little bit of a problem because we didn't want to tramp on the toes of the Commander in Chief — that "all special operations forces in the continental United States are to be assigned to this command unless directed otherwise by the President or the Secretary of Defense."

Initially, they directed that the SEALs (Navy Sea-Air-Land unit members) who are part of the Second and Sixth Fleets would not be assigned to this command. Eventually that was turned around. We said that all of the forces in the continental United States would be assigned to this command. We also provided that this commander could have a potential operational role. His real mission was to prepare forces. He was going to be a supporting commander. It was the geographic commanders in chief in Europe, the Pacific, and Southwest Asia, who would actually command these special operations. But we provided in law for a possibility that there might be a mission that the President or the Secretary of Defense wants to have carried out by this person. It may be especially sensitive, or it may be a mission that we don't want the geographic CINC commanding for a number of political reasons. The CINCSOC does have the potential to have an opera-

tional role, although that is a very minor potential right now.

He was given expanded resource authority. In the Goldwater-Nichols Act, we greatly strengthened the command and personnel authority of the unified commanders. This unified commander was essentially given the authority to develop and to procure equipment that was peculiar to special operations forces.

Oettinger: I'm missing something. The headline of that slide (figure 5) says "unified combatant command," and yet you say he has only a potential operational role, which is a bit weird because that combatant command is an operational command. Then you say, yes, but the guy's more like a service and so on, and the quintessential roles of the services are to procure resources and to provide and maintain forces. And yet on that bullet, you're describing that as if we were talking about CINCPAC or someone who on his face has no resource authority.

Locher: If you're familiar with what had been the United States Readiness Command, it had all of the Army and Air Force forces in the continental United States assigned to it. Its mission was to prepare those forces for the missions they would carry out

when they were assigned to forward deployed CINCs. That was the unified combatant command. To a great extent this command is modeled on the old U.S. Readiness Command, but it has more authority. It has the authority to prepare forces in the United States for assigned missions, whatever they may be, under whatever geographic CINC they might fall. But it also has broad authority in terms of doctrine, training, readiness, education, and those authorities are not only for assigned forces, but are also for SOF forces that are assigned to other CINCs. So, not only does he have responsibilities for the forces that are assigned, but he also has responsibilities for all SOF wherever they may be in the world.

Oettinger: If I were either an officer or a grunt in one of those forces, would I still think of myself as Army or Air Force or whatever who happened to be under this commander, or would I see myself as one of his people? Does he feed me, clothe me, promote me? It's a hybrid clearly, but I can't quite figure out where the balance of hybridization is.

Locher: The training area is a little bit confused. The manning part clearly comes from the service, and for the most part, the equipping part does as well.

Section 1311 of the National Defense Authorization Act for FY 1987

- **Assistant Secretary of Defense for Special Operations and Low Intensity Conflict**
 - Overall supervision
- **Unified combatant command**
 - Four-star commander
 - Prepare SOF forces for assigned missions
 - Command of CONUS SOF forces
 - Potential operational role
 - Expanded resource authority
- **Separate major force program category (Program 11) in the Five Year Defense Plan**
- **NSC coordinating board for low intensity conflict**
- **Suggested a Deputy Assistant to the President for National Security Affairs for Low Intensity Conflict**

Figure 5. Key Legislative Provisions - November 1986

Oettinger: So I'm still on the hook to the services even though I've got all this apparatus.

Locher: The problem that we had is that the services were not being responsive to the needs of the special operations community. When they needed a widget they couldn't get it developed through the service system.

Oettinger: When I'm saying expanded resource authority, this is less than a service but more than the sort of bones that have been thrown to the CINCs.

Locher: That's correct. But not considerably more, especially the way the Department is implementing it.

Oettinger: So that's the compromise on that end. The services could agree to that because it wasn't really threatening.

Locher: Let me just answer this and then I'll come back to your question.

Oettinger: Are you saying that they have contract authority?

Locher: At the current time they do not.

Croke: That's the key. They know that you only have the pretence of suggesting and advising, but if they don't have contract authority, they don't have anything. If they still have to go to the Romans (Rome Air Development Center) in upstate New York to buy a special communications box, they're still under the control of the U.S. Air Force.

Locher: What we had intended is not that they have a large procurement office, but that they'd be able to control the procurement decisions. They could have the services execute programs for them; be their executive agents. But the CINCSOC was going to be the decision authority on those programs.

Oettinger: Is it Defense money?

Locher: It's his money.

Croke: For years, the Defense Intelligence Agency (DIA) tried to profess that it didn't have any contract authority to speak of — they always had to go to the services on relief schedule sorts of things. You can identify, coordinate, but whoever controls the gold controls everything. And given the intention of the Congress, I'm surprised they don't have contracting authority. I thought they had.

Locher: There are some practical problems. First of all, the command is just being fleshed out with personnel. They don't have the expertise to do this.

So right now the Department is able to finesse that issue. DOD can essentially say the command is not prepared to execute these responsibilities, which is correct. Deep down inside the Department they don't intend ever to allow them to have it, and so in a year or two, you're going to have another clash between the Congress and the Executive Branch. But right now, they don't have that authority. They don't have the expertise. What Capitol Hill intended is that this command will have the ability to develop and acquire the peculiar equipment that it needs. For all of the things that are common to the services, they will continue to rely on the services, but the specialized things that they truly need, they will procure for themselves.

Croke: If you use a new airlift capability as an example, as you mentioned in your earlier remarks, it's going to require special electronic support measures equipment, or communications equipment unique to the mission. SOCOM has to rely on the services to go out and do the acquisition. If they don't have a contract authority to control those contractors, or schedules that are dedicated to their mission, they're up the creek without a paddle.

Locher: That's right, and that's an issue on which the battle has not been joined.

Croke: If you talk to General Kingston, that was one of the biggest problems he had. He couldn't buy anything.

Locher: That's right, and we're trying to solve that problem for them and are getting a fair amount of resistance.

Oettinger: For future reference, General Kingston is going to be here, so we can pursue that point a little bit further.

Locher: Getting back to this new commander, he's a unified commander of only CONUS-based forces, but he also has responsibilities for all SOF wherever they are in the world. Those are indirect responsibilities but still they're responsibilities. Then he has some expanded resource responsibility — as yet not fulfilled.

To try to help in this regard of providing more resources or a more appropriate level of resources, the Congress directed that in the FYDP the Department of Defense have a separate major force program category for special operations forces. That's Program 11.

Oettinger: We're looking, if I understand correctly, Jim, at a typically American sort of subtle political compromise. What this says is, "Well, while he hasn't got the muscle, he has some visibil-

ity." So that if the amount of money in that goes down too low, he could at least squawk.

Locher: That's right. If you can't see where the money is, it's very difficult to argue. The CINC for this command does have a direct ally in Washington: the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, who is going to have very much the same perspective, which gives the CINC a little bit more clout.

Remember that the House had a provision for a separate national special operations agency with full funding authority. You can see some of the House's influence on the expanded resource things that we provided, and I think the Senate actually had this in its bill as well, to try to give the House some of what they were looking for with their separate agency.

With respect to the National Security Council, we required the President to establish a coordinating board for low intensity conflict. The National Security Council was established in law, so we felt we could dicker with that a little bit. The assistants to the President are not, and there we just suggested to the President that he ought to have a Deputy Assistant for National Security Affairs for Low Intensity Conflict — a suggestion which the President has ignored.

In terms of DOD's initial response (figure 6), this might be a good time to talk about why this organization was opposed to what we were trying to do. Almost everybody in the organization was opposed, unlike in Goldwater-Nichols where the unified commanders thought what we had in mind was very exciting. Here you didn't have anybody, except the special operations forces community, who thought that the Congress was doing something worthwhile.

The services were opposed because their focus was not on special operations and low intensity conflict. It was on all of the glamorous high-technology weapon systems. They saw an effort to give priority to special operations forces or to low intensity conflict needs as creating a competitor when they'd like to spend money. Especially in this time period, they were starting to see the defense budget go downhill and resources were becoming tighter. They had a lot more programs than they could afford even at the high growth rates, and as they saw the budget getting squeezed, this was an area that they did not want to lose control over.

Why were the other CINCs opposed? They were opposed because they saw the creation of this unified commander, even though he would not have operational control of the special operations forces within their geographic areas, as a guy who had

- **Good news**

- U.S. Special Operations Command (USSOC) established
- Capable officer, General Lindsay, appointed as the CINC

- **Bad news**

- No ASD/unacceptable nominee
- Efforts to weaken ASD's authority and access
- No Program 11
- No budget authority for the CINC
- Insufficient resources and personnel for USSOC
- NSC board formed, but not convened

Figure 6. DOD Initial Response

gotten his foot in the door. Maybe the next step that was going to be proposed would be that this CINC would command special operations forces worldwide, and would conduct all special operations even within these CINCs' geographic areas. They felt that this threatened their absolute control over their geographic responsibilities.

Why was OSD opposed? The key elements of OSD were opposed because we were going to be taking the turf from a couple of existing Assistant Secretaries and giving it to a new Assistant Secretary. There weren't many people who were in favor of what we were trying to do. The entire bureaucracy had some reason to oppose what was going on.

Student: At the Fletcher School I had a class on low intensity conflict. The professor was up for a position with the Department of Defense, and in fact one of the people in the class had been a Navy SEAL. He told us from practical experience, and the professor told us as well, that one of the reasons other than the ones you just mentioned for opposition to low intensity conflict is that it doesn't fit into the "conventional strategy." Could you discuss a bit how the strategy fits into warfare and why that would play such a great role as opposed to the two functions you just mentioned?

Locher: I think it sort of fits into what I was talking about in terms of the services' orientation. When we talk about fighting the Soviets in the big war, we're talking about a conventional war strategy. That was the strategy that we tried to adopt in Vietnam. We tried to take our conventional strategy and apply it to an unconventional warfare situation. The lesson that the military learned from Vietnam — no more Vietnams — was that they were going to stay out of that. They have ignored unconventional warfare, low intensity conflict, and have turned themselves to focusing completely upon conventional strategy and conventional warfare. The concern is that if we ever do get involved in a low intensity conflict, we're going to approach it just as we did in Vietnam: taking the conventional strategy and tactics that we built and developed and trying to apply them again.

McLaughlin: That's summarized by saying, "If they won't fight our kind of war, we won't fight."

Oettinger: The horrifying thing about that is, I don't know to whom you're referring, but I'm willing to bet they're sincere, as opposed to using this as a smokescreen. I find that frightening, because it

means an inflexibility of mind that is much more difficult to deal with than somebody who knowingly and wittingly uses some nonsensical argument to cover his turf. But that unfortunately sounds to me sincere.

Student: I don't understand exactly the link you just mentioned between the need for special forces and low intensity conflict. To take an example like the French troops in Chad, this is clearly a low intensity conflict, and the troops are there as a deterrent and eventually to help freeze the situation. That hasn't developed into a Vietnam situation. The question is more one of strategy for preparedness of troops, normal troops, rather than creating a different army within the army. The difficulty of what you have just mentioned seems to be a quite natural reaction of the Army, the DOD, against the creation of a new army within the army.

Locher: As I mentioned to you, the law is much more specific on the special operations side than it is on low intensity conflict. The special operations forces have roles in low intensity conflict, and they also have roles in conventional warfare. If you thought that I was just referring to special operations forces when we were having this discussion about strategy and low intensity conflict, I didn't mean to mislead you in that regard. Unfortunately, the Congress sat back and could not think of how to approach putting more organizational emphasis on low intensity conflict. About the only things that we could think of were to create this Assistant Secretary of Defense, and at the inter-agency level we wanted to do something on the National Security Council.

Now we didn't know whether we wanted to give this unified command — the unified command for special operations forces — a role in low intensity conflict or not, or whether a whole series of unified commands were going to be involved. The Department of Defense has not yet decided how that's to be approached. But at the time that we were doing this, we were not prepared to suggest something, and all we were attempting to do was to draw some attention to it and get some organizational elements into place.

Oettinger: Take a look around the Center for International Affairs at the Kennedy School and make a listing this year of the number of visitors and so forth and so on. I'll bet you that 95 percent of them deal with NATO and conventional forces and conventional central-front barefoot warfare, etc., etc. The odds are that anybody who's engaged in this argument is sincere about it.

Locher: Given the opposition in the Department of Defense, there was very little good news in terms of DOD's initial response. The law required that the Special Operations Command be established within six months after the enactment of the act. In April of this last year the command was actually established. The Department decided to disestablish the U.S. Readiness Command and put this new command in the same headquarters and transfer a lot of the people over. The command did not really get started with the kinds of talent and experience that it needed, but a capable officer was assigned. General Lindsay,* I think, is a very capable officer and has a lot of respect in the special operations forces community, and he has been attempting to do what he can given the bureaucratic limitations.

The bad news produced a fairly long list. We did not specify in the law when they had to have an Assistant Secretary in place. We just thought that they would automatically get on with it. It took them seven months to select an Assistant Secretary and he was an unacceptable nominee. The Senate Armed Services Committee spent many months trying to get the White House to withdraw the nomination. It came over on the ninth of June after the law went into effect that previous November. The committee did not act on it until the tenth of December. It held a hearing, then took no action, and eventually the nomination was withdrawn. As far as the committee was concerned, this nominee was going to be part of the problem, not part of the solution. The committee decided not to take action and the President did not resubmit the nomination when the current session of the Congress started. There were major efforts within the Office of the Secretary of Defense to weaken the authority of this Assistant Secretary and to deny him access.

The Department made no progress on Program 11. It was not set up. They had not identified what the programs were going to be. The CINC did not get any budget authority. They were playing games with the command in terms of how much personnel they were going to provide. If you don't have people, you can't do the work, so they were trying to squeeze the command in terms of personnel, and didn't give the CINC what he felt he needed. They were also cutting down resources to be provided to him in all sorts of regards. The National Security Council Board was formed because the law required it, but it did not convene.

*General James J. Lindsay, USA, Commander in Chief, U.S. Special Operations Command.

Student: Did that constitute a violation of the law?

Locher: The law just said that the President is required to You can create an organization, but you can't make it function if they don't want it to.

Oettinger: You are looking with exquisite clarity at the realistic functioning of a government that has three independent branches. This is what the founders intended, and you're getting the other side of the story very well. It is no accident that the National Security Act of 1947 was not significantly amended, except for a little bit in the 1950s or a little bit in the late 1960s, until 1986 — and you're seeing why these struggles go on. This is very fundamental constitutional stuff, and in an earlier slide (figure 4) you're looking at the details of how the Executive Branch exercises its power and the checks and balances of the Congress.

Locher: It will be very interesting when General Herres comes next week to hear what he has to say on this. I'm certain at some place in his comments there is going to be some criticism of the Congress and its micromanagement of the Department of Defense with respect to special operations and low intensity conflict, and saying that a lot of what we did bordered on being unconstitutional, that we're down specifying this and that — telling them what categories to create in their five-year defense plan. Admiral Crowe has probably been our strongest supporter in the Department of Defense. How much General Herres reflects Admiral Crowe's point of view and how much he will echo the service point of view, I can't say, but it will be interesting next week to hear what he has to say to you.

Oettinger: In the hearings, General Vessey, who was then the Chairman of the Joint Chiefs, was one of those voices echoing some of the reservations of the Senate itself about not mucking around with something by law that might be done by executive action. My sense from recent conversations with Vessey, now that he's out of office and retired and so on, is that he was completely sincere about his personal views that, as Chairman of the Joint Chiefs, he had enough authority and could solve a lot of the things that the Goldwater-Nichols bill addressed. It might even have been true for the tenure of General Vessey. But all it required, and that was one of the reasons why ultimately some action by the Congress was required, is that the next guy, if he didn't believe as General Vessey did, would undo it all — and quite easily. And even with the force of law, the exercise in this detail of the bad news of the power of standing or sitting still remains an option. You're looking at a very generic

bit of the "checks and balances" business. You're seeing what that phrase means.

Locher: Just a little bit of a footnote on General Vessey because he was widely respected on Capitol Hill. I do think that General Vessey made the JCS system work much more effectively than recent Chairmen have. In part, he accepted the limitations of that organization, and he tried to work within it to maximize its capability and to use his power of persuasion and the limited authority he had. We credited him with doing much better. But in our view he moved that organization from 10 percent effectiveness to 20 percent, when the Congress had in mind a very fundamental change.

But you are seeing here the resistance of the Department of Defense, which can be formidable despite the fact that some of these things are signed into law by the President.

The Pentagon has a Special Operations Policy Advisory Group (SOPAG) — Professor Shultz from the Fletcher School is a member of this group. After the law went into effect, Secretary Weinberger, under the law, was required to report to us within 90 days on how well he was doing. We had a sense that he wasn't going to make a lot of progress unless we forced him to report back to us. His report came over and his own Special Operations Policy Advisory Group — these are retired military officers, or people outside of the Department of Defense — told the Secretary that his overall tenor was "embarrassingly and disappointingly tentative."

Then they went on to hint, while denying the truth of the statement, "While we wish to make clear that we are not suggesting that the Office of the Secretary of Defense is participating in any manner in an obstructionist or delaying role in implementing the congressionally mandated . . . , we believe that outsiders could reasonably draw this conclusion."

In April one of our subcommittees, chaired by Senator Kennedy, in which Senator Cohen was the ranking minority member, had a hearing on special operations forces. Noel Koch, who had been a principal Deputy Assistant Secretary of Defense for International Security Affairs and who was the person who for much of the Reagan Administration had been responsible for special operations forces, came to testify. He essentially said, "Let me sacrifice diplomacy to directness and say that the Department of Defense has done everything possible to circumvent the will of the Congress as represented in this legislation and to subvert the legislation itself."

Shortly after that, Donald Latham, the Assistant Secretary for Command, Control, Communications, and Intelligence, was getting ready to leave the Department of Defense. One of his last acts was that he wrote to Deputy Secretary Taft and said, "In this area implementation has not only been slow, but almost nonexistent."

Student: Was the resistance of the Executive Branch and Weinberger just based on some sort of idea that we have to have separate services which cannot agree? I would think that, given the series of fiascoes in their administration, starting out with Lebanon and right up to the START (Strategic Arms Reduction Talks), they might see we'd like to be effective. What was their resistance based on? Was it just tradition or what?

Locher: Their resistance is based upon the desire of the services to remain independent and to have their own special operations capabilities under their control.

Oettinger: Let me amend that a little bit because I'd like to disagree with you in part. I think it sounds a little too much like pure turf. There's a hell of a lot of that today. But one of your predecessors in the seminar, a man named Allard, has done a thesis at Fletcher which will shortly be out as a book,* and he converted me. Allard, who was Army, started off with a view which Army people tend to believe — that jointness is good — and the others tend to be the Air Force and Navy types who are against all of this. He was pretty gung ho on the notion that everybody was dragging their feet, etc., etc.

What I found fascinating about the tack his study took was that he rediscovered that the Navy and the Air Force had missions that are distinct from, and in territories and environments that are distinct from, those of the other services, and that their only effectiveness in what they perceive as their central missions does still, in fact, despite modern technology, require certain differences. There's some rationality in defending that. It's not entirely just dumb or greedy turfness. I think that's what makes the problem hard. Because striking a reasonable balance between what would get screwed up if everybody was sort of "purple suited" and what gets screwed up when everybody has their own color uniform and never bothers doing things jointly is not an easy matter. There are a lot of very sincere people who look misguided to others, but are not as purely sort

*C. Kenneth Allard, *Command, Control and the Common Defense*. New Haven: Yale University Press, 1989 (forthcoming).

of turf oriented as I think your remarks suggest. There is rationality behind it, although some of the dumber ones have forgotten what the point was.

Locher: For example, the SEALs have a number of different missions. Some of those missions involve the fleets. Some are broader than the fleets. The Navy's concern was that if the SEALs were permitted to become joint, the Navy wouldn't have absolute control over them when they needed them for fleet missions. I remember the Navy argument saying, "Those are our SEALs, they're assigned to our fleets," and my argument was, "But that fleet's assigned to a unified commander, so they're the unified commander's SEALs and he ought to be able to use them as he saw fit."

Now the Navy denied that. When we thought about taking the SEALs out from the fleet and giving them to a unified commander for special operations forces, the Navy fought that tooth and nail. As a matter of fact, that battle is continuing. It took a year for it to get decided and it's going to continue for another year or so.

McLaughlin: That was when they redefined SEALs as no longer being special forces.

Locher: In the law we had to be very precise as to what special operations forces are, because the first trick they would pull is define them in a very different way than the Congress had intended. But for the most part, the services saw that they were not going to gain something by this, and they were afraid that they were going to lose it. They were afraid that the SEALs would not be properly trained, that they would be misused, that they were not going to be available to the Navy, that they would come out with a different set of ideas, tactics, doctrine, policy that were not normal to Navy thinking, or whatever.

They had some legitimate concerns. These are concerns that people have had in the past. The reason the Marine Corps needed their own air was because they feared that the Navy was going to go off and leave them. There was some of that. In all of the comments that I made, if I were going to take you through and give you all of the subtleties in each of these areas it would take forever. I've sort of taken a broad average approach without all of the footnotes, and I apologize for that.

Oettinger: No reason to apologize. If you think in terms of black and white and miss on the one hand the knavishness of those who bring up some bogus arguments in order to maintain turf and on the other hand miss the reality of operational competence that sometimes underlies those very same arguments,

you'll be off on the wrong foot. You've been very helpful here in teasing out some of the subtleties underneath these turf battles.

McLaughlin: Let me stick in something else because I'm not sure there was ever a direct answer in terms of, if you start at the level of the President and the Secretary of Defense, why should they resist this? I think the quick answer is they did not want to take on that battle with the military, which was resisting it for other political reasons. I'm not sure I understand all those, but obviously Secretary Weinberger went along all the time listening to what the JCS said. He was taking their word for it. The other point to expand is if you pursue the special operations/low intensity conflict thing with the rationale that that's the war you're most likely to fight in the future, it potentially becomes a major, large-scale rival for the other services.

We're not talking right now about small special operations forces, JSOC (the Joint Special Operations Command) or something. We're talking about the kind of thing that was happening in Vietnam where you had to develop a brown-water Navy. Real Navy people don't like brown-water navies. They compete with big ships. The same with the Army folks. You look at the Army: they chased out almost all the special warfare people after Vietnam closed down. They didn't want them as a rival center. The same thing with the Navy. What happened to the brown-water Navy? It ain't there no more. These things are a real threat over time, which is why the services banded together to resist doing anything in this direction.

Locher: One of the things that they did was that most of these forces — to the extent to which they continued to exist — were put into the reserves, which is about the last place that you'd like to put them because we're not likely to have a mobilization in which the President will call up these reservists to conduct some sort of special operations and low intensity conflict.

Student: I'm wondering, if the services thought that they wanted to keep the special operations for themselves, they had to recognize to some extent that a lot of special operations required multiservice planes to transport them by air. What were they going to propose to you to coordinate this?

Locher: What the JCS proposed when they saw this threat of legislation was a command, not a unified or specified command, something completely new. The reason they proposed that is that in the Goldwater-Nichols Act we laid out what we meant by unified and specified command and the exact

authorities. The services wanted to be able to negotiate what authorities this fellow was going to have. He was going to be a three-star commander. What the JCS proposal essentially said is, you have Admiral Crowe here, he's going to be a great proponent for special operations/low intensity conflict, and you have Assistant Secretary Armitage, so what more could you ask for?

They did make some progress in the direction that the Congress felt was necessary. We had the threat of actually doing it in law, which we were very reluctant to do. What Senator Nunn and Senator Cohen attempted to do is in those four or five long months of negotiations with the JCS, was try to pull them along by saying, "This is something else that you need to do." In the end the JCS said, "We're not prepared to do that," and then the Congress did it in law.

In response to what we and a lot of other people saw going on in the Department of Defense, we passed another piece of legislation this past fall. It was signed into law on the fourth of December by the President (figure 7).

We had seen efforts to weaken the authority of the Assistant Secretary of Defense through the charter that was being drafted for him. He was going to have a lot weaker authority than other Assistant Secretaries of Defense. All sorts of games were going on in the drafting of his charter. There were efforts to distance him from the Secretary of Defense: to make it more difficult for him to talk directly to the Secretary of Defense. Because of this, the Congress essentially clarified in law the authority of this Assistant Secretary of Defense and demanded that the charter for the office be published within 30 days. The charter had not been published, so even the people who had been hired to do the work had no authority to conduct things. Their responsibilities were not laid out. They weren't involved in things. So the Congress said, "Even if you're not going to have an Assistant Secretary of Defense we want his charter out so that we can see the game plan of what this organization is going to do." We required the Secretary of Defense to send us a report when he issued the charter telling us how the charter fulfilled the requirements of law.

We also required that the first Assistant Secretary of Defense report directly to the Secretary of Defense without intervening authority. They could push this guy way down in the bureaucracy if they wanted to and he could never speak to the Secretary of Defense.

The next thing that we did was a rather brilliant stroke. We had this stalemate between the Congress and the Executive Branch over the Assistant Secretary. They had not sent us an acceptable nominee, and those who were opposed to the legislation were absolutely delighted that nobody had been confirmed for this position. If we rejected this nominee, they'd take another seven months to get somebody else and he might or might not be acceptable.

I suggested to Senator Nunn and Senator Cohen that we assign to the Secretary of the Army the duties of being the Acting Assistant Secretary of Defense for Special Operations and Low Intensity Conflict. From our point of view, that achieved a number of useful purposes. One was, we were taking essentially the third most senior person in the Department of Defense and saying, "You do this." Second, we were getting it out of OSD, where they had a stranglehold on implementation of the legislation. Third, we were putting a hell of a lot of pressure on the Navy and the Air Force to get somebody nominated up in OSD. Now you've got the Army, their competitor, who has a real interest in special operations and low intensity conflict, running the show.

Because they were not giving the command the kind of personnel they needed, the other thing that we did was specify the command's end strength for fiscal year 1988. We said that the command shall have not less than so many people.

The last thing we did was require them to establish this Program 11 in the five-year defense plan within 30 days and to report to the Congress telling them what is contained in that area.

My last slide (figure 8) talks about the current status. When Secretary Carlucci came in, as he made his rounds of our committee before his confirmation hearing, this was a subject where he received a lot of guidance from members of the committee. It is something that got a lot of visibility for Carlucci, and he has ended up being much more supportive.

Secretary Marsh has been very active as the Assistant Secretary of Defense. He actually wears two hats. He attends staff meetings with the Secretary of Defense twice a week: once when the service secretaries meet with the Secretary of Defense, and then when the Secretary has his own OSD staff come in. He attends that meeting as well.

Oettinger: That's a real perk.

Section 1211 of the National Defense Authorization Act for FY 1988-1989

- Clarified Assistant Secretary's authority
- Required first Assistant Secretary to report directly to the Secretary of Defense
- Assigned acting Assistant Secretary role to Secretary of the Army
- Specified FY 1988 end strength for USSOC
- Required establishment of Program 11 within 30 days

Figure 7. Congressional Follow-Up

- Secretary Carlucci more supportive
- Secretary Marsh active in his Assistant Secretary role
- More acceptable Assistant Secretary nominee expected
- Assignment of SEALs to USSOC
- SOF programs protected in budget cuts

Figure 8. Current Status

Locher: It's a drain on his time, but he has taken it very seriously. One of the reasons he's had to take it very seriously is that we've required that he report to us every 30 days on what progress he has made.

We're expecting a more acceptable nominee for the Assistant Secretary position. Charles Whitehouse is the fellow whom we're expecting — a former ambassador in Laos and Thailand. Apparently, the Department is going to try to put more emphasis on the low intensity conflict side of that job, which I think would be appropriate.

Last October Secretary Weinberger bit a tough bullet and assigned the SEALs to the unified command for special operations forces. During the budget cuts, as you can imagine when the Department had to cut out \$33 billion, the special operations forces looked like an easy target. But Marsh really went to battle and protected these programs as they went through these reductions.

That's my presentation. There's one other thing that I should mention. I had mentioned the concern that the Congress had about conventional commanders not understanding special operations forces. The chief special operations forces person out with our forward deployed unified commanders was a colonel. He was known as the commander of the special operations command that's assigned to the European Command, and to the Pacific Command, and to others.

In the law, we felt that somebody with more clout and access needed to hold that position so that he could keep the CINC apprised and fight some of these battles. So in the law we required that these two individuals for the European Command and the Pacific Command had to be of general or flag rank. The services are going to decide that they'll be one-star officers, but at least that gets some additional visibility and gives them a little more clout within the CINCs' council.

Student: One of the other concerns that you listed originally was the issue of promotion rates. Did Congress do anything with those for people who are assigned to USSOCOM?

Locher: No. The only thing that we did in that regard was that we made the commander of the special operations command responsible for monitoring promotions and assignments of all people assigned to special operations forces. In the defense reorganization we'd gone in and developed a management system for joint officers and we were a little reluctant to start dabbling in this other area as well. We essentially tried to give him some authority to make certain that there was appropriate attention in terms

of promotions and assignments. But that's all we've done.

Croke: Earlier on when this was being considered there was considerable attention given to some special needs for information sources or intelligence sources to help this force that was coming into being. Was there anything written in the law related to any kind of reorganization or prioritization that would affect how this community might be able to get better intelligence information? It's critical for a mission — especially real-time intelligence sources.

Locher: The only way we were able to approach that was that we were able to give this unified commander authority for formulating and submitting requirements for intelligence support. That meant that he would be the central focus for all of the special operations forces, and with the four-star commander we were hoping that he would be able to get improved intelligence support. This was a difficult issue for us to address on Capitol Hill because we then could run afoul of the intelligence committees. So that was about as far as we felt we could go.

Croke: I know almost concurrently with the new law there was a discussion within the community of having in the Readiness Command a new production authority for certain classes of intelligence information. It seemed to me at that time this was falling short of coming together with the new force that was coming into being. That would have been really a justification for the new production authority. Of course the problem there was the men assigning slots from Washington/DIA down to the Readiness Command didn't want to send people with the slot authorization. They weren't able to do their job any more without control of contracts or intelligence sources.

Locher: One of the things that happened is when the Joint Chiefs of Staff proposed a command headed by a three-star officer, they had indicated that that command would be located in the Washington, D.C., area. The argument that they had given was that the command needed to be able to interface with all of the intelligence activities in the Washington area and with other agencies of the federal government. When they got around to it they put the command down at McDill Air Force Base in Florida, which was immediately a major issue with the committee. The option of forcing the command to move to Washington is under consideration. But at that time we thought that there was going to be a much easier link with the intelligence activities

because the command would be right there in Washington.

Oettinger: Do you perceive this to be different from the problems that any service has in that regard?

Croke: Normally, since World War II — except for the Vietnam interruption, which they considered unfortunate because it took all their money — the services loved the plan for no more than a war and a half. They ran the stuff with great precision. They had tremendous planning mechanisms that were set up, rather ponderous, that ground out the war and a half worth of activities for the United States. One whole war was fought against the Soviet Union, and the other half was fought against some combination of allies, presumably in the Pacific. That's still how they go up to Congress and justify ninety-some percent of their request for funding. That's a static condition.

From the intelligence standpoint, for the most part, until recently, you looked for static targets. You still had BE (bomber element) numbers on them, pairing bombers to target elements or missiles to targets, as you did in World War II. You played a nice kind of simulation with ground zeros — a good game because at zero five E you can always find an answer. It's a nice, easy game to play if you know it, like "Oh, What a Lovely War." At the general level, you got answers. They've done that for a long time. Now the targets are mobile, or hidden, and in comes somebody who says, "We don't want to upset the apple cart" — I don't want to be cynical about Congress — "but why don't we worry about these special wars that seem to come up more regularly than your exchange with the Soviet Union." That bothers them. That's very upsetting when you're nice and settled. You've got all your models running nicely and then somebody comes in and says, "Hey, we haven't had one of those for a long time and it's unlikely that we're going to have one."

Oettinger: You're going much beyond sort of the "green door" arguments.

Croke: What I'm getting to is that in the wars that you're talking about — limited conflict — the intelligence needs that our first speaker suggested are quite different.

Oettinger: What you're doing is fundamentally screwing up the allocation of resources.

Croke: You have whole different priorities. You're talking about taking your surveillance capability,

which is extensive at all possible phenomenology, without getting into any classification, and you're suggesting that now, for collection, you're going to direct it in a whole different way. And, believe me, it isn't only the services that look at that and throw up their hands, it's the whole intelligence community. The SS-20s were bad enough, but now you look at what happened in Grenada or some of these other situations, and what the clash was on the intelligence side because they weren't geared up to handle something as dynamic as the limited conflict. Take Three Mile Island. Take the Alaskan earthquake of how many years ago. How fast can you get up there? The site guys were up there pretty fast. How fast can the national means get up there and tell us what's going on? These are coming at you in waves that are an hour apart. Governor Thornburgh was dealing with four days' worth of history here.* How about Chernobyl? How fast did he know about that one? I would suggest that there's a different ballgame in the way of information sources, and it's not just in the intelligence community. But what have we done to try to help this new command in the way of getting on with the intelligence or information systems side? I gather that there, too, you've got a problem, because you've got to deal with what exists.

Locher: It's the same problem that you have in terms of all other scarce resources in the Department of Defense. The Department currently has them oriented in one direction and people are asking for it to be oriented towards a lot of different directions. There is a lot of resistance. As you may know, General Paul Gorman headed up a lot of the work for the Commission on Integrated Long-term Strategy, and he did the low intensity conflict part of that. His criticisms of our inadequate intelligence are laid out in great detail, and we are talking about some very fundamental changes. But that's something that the Congress, at least the Senate Armed Services Committee, has not tackled as yet. We've had our hands full with what we've done so far.

Oettinger: Hands full politically, staff-wise, both? You mentioned a few minutes ago in another connection reluctance to enter into areas that might engage the Select Committee on Intelligence. Is that a major factor? Can you elaborate a bit on "hands full," and in what dimensions?

Locher: In many different dimensions. First of all there's a limited time with the Senators, so there's a limited time with the staff. I only devote a small

*See text of Governor Thornburgh's remarks earlier in this volume.

percentage of my time to this particular issue. There's also the problem with the Department of Defense. They have been given some rather bad medicine, and now a second dose of it. I think the committee was a little concerned about how much more they were going to get into and how specific the details were. If you look at what we had done — the first year we did micromanagement and then the second year we did micromanagement squared. The first set of fixes did not take place, and so we had to go back and do some things that were even more detailed: a lot of detailed reports from the Secretary of Defense; every 30 days the Secretary of the Army had to report to the committee as to what he's been up to. So I think there's a little reluctance to go even further.

Student: In conventional warfare, I mean central-front type stuff, there at least potentially exists a real use for special forces. Does the United States have forces along this line, and if so, how do they fit into this? If they don't, weren't you afraid that suddenly the military would start discovering a need to have forces like this as a way to start a circumvention process for the legislation you've been discussing today?

Locher: No. The United States has forces along these lines that are forward deployed and have roles in conventional warfare. Part of our concern in that regard was that they were not well integrated with our conventional forces, and that the conventional commanders did not fully understand how they might be employed. One of our concerns with the House proposal on essentially creating a fifth service was that it was going to drive this wedge even further. That's why we had tried essentially to keep that together because they do have a conventional role, and we do have them forward deployed and prepared to execute that role.

Now, have I missed part of your question?

Student: Yes. It seems to me you've been talking about the special forces as forces that are really very fundamentally different from everything else and that it would be easy for the military to say, "Ah yes, but these things that you might call special forces really aren't. They're really an integral part of the U.S. Army in Europe and while they may walk and talk like special forces, really they're our people."

Locher: They are an integral part of the U.S. forces, Europe. We have left them under the command of CINCEUR, but they do have somebody back in Tampa, Florida, who's a big brother. He is

watching over that organization to see that it is properly equipped, to evaluate its readiness to carry out assigned missions, and to make certain that it is properly employed. The Special Operations Command has no operational control in that regard. But it does have a dotted line to the commander of this Special Operations Command in Europe.

Oettinger: Let me just focus on this dialogue you're having, because it's at the heart of so many things in this course — balance. The roles are different. They are specialized missions. So you have to have some kind of a specialization in procurement, in training, doctrine, etc., etc. But those specialized roles are exercised in connection with some broader needs that take place with the folks in geographic areas, so it has to have some relationship to whoever the hell is doing it. If you go too far in one direction, then you divorce these people from the people who need to use them. If you homogenize them with the people who need to use them, mainly the theater commanders, then they don't have the specialty — they get folded into everything else. This specialization versus geographic unity, whatever, is at the heart of the debates over matrix organizations versus functional organizations in the civilian sector. There is never a happy solution.

The problem of how to deal with this type of tension, which is always dynamic because the needs shift, and the perceptions shift on where the needs are, is the heart of the matter. If you look for static solutions, you're in deep trouble because these situations never stay static. How it deals with the dynamics is what you've heard a great deal about.

Student: I guess that until five minutes ago, when I heard the word special forces I thought about people who trained in secret camps in the swamps of Louisiana and were disconnected from everything. You're bringing out the point that that's not the way I should look at special forces.

Locher: No. They have more than one set of missions.

McLaughlin: In fact, I think it is very important to remember they do include some that are dedicated. Despite the fact that the Army tried to use them in another way, the JSOC operators are designed to take down houses, to do hostage rescue sorts of things. And when the Army tries to use them as just advance troops, you suffer serious consequences. They're not very good. They're really not Spetsnaz-type troops. Rangers are labeled special forces these days, but they're very much in the tradition of conventional advanced deployment. Army special forces grew up to train foreign nationals to fight

insurgent wars or to defend themselves. The Green Beret was for jumping out of an airplane and leading foreign troops in battle. That was how you earned it. That's a very different kind of specialty, not to be confused with Rangers, not to be confused with JSOC people who were climbing onto tankers held hostage, or busting into buildings with people held hostage. There's an array of missions and tools that distinguish these people.

Oettinger: They have to be specialized to their missions, yet those missions sometimes are not conducted in isolation and they've got to know how to operate with whomever and wherever they're operating. That's a dilemma. That's not just wrong-headed. One of the important things to remember about all of the issues that we're discussing in this course is that if they were people-dependent then they'd get solved now and then, because not everybody is always stupid, and not everybody is always ill-intentioned and so on and so forth. They are perennials. They are people-independent, because they are deeply related to organizational questions and situational questions that are independent of who happens to be in there. Some incumbents are better and say, you may get the 10 percent gain or 10 to 20 percent when you have a good Chairman of the Joint Chiefs, but that's the range that you get from individuals. The rest of it is a much more difficult set of questions.

Student: I have two questions. I was wondering, is it the special ops command now that supplies the forward deployed forces, or do the theater commanders take care of supplying them?

Locher: The theater commanders do.

Student: So, it's more like they're worried about training back there and making sure the theater commanders are treating the special ops forces attached there all right and they're getting everything they need.

Locher: The Special Operations Command has the normal command functions over assigned forces, so it does all the training and all of that. The supplies and things come through the service components, but essentially come from the services. But then we have some broader responsibilities. We've asked the Special Operations Command to look into education of the entire special operations community — both officers and enlisted persons. We've asked them to look into doctrine and tactics for everybody, not only those who are in the continental United States and under the direct command, but for all of the community. We've asked them to look broadly at

the entire community in terms of promotions and assignments.

Now the one thing that we've asked them to do with the forward deployed forces is to evaluate their readiness to carry out assigned missions. So, the new commander has no direct control over any of the forward deployed forces. But he does have some responsibilities for the entire community and then he's to assess their readiness. If they're not up to snuff, he ought to be telling the CINCEUR that his European deployed forces are not prepared to accomplish their assigned missions and here's what needs to be done about it.

Student: I know we talked a bit about how the different branches of the military are kind of for or against it and the different reasons why, but what do you see in the next few years as happening with this new special ops command and what do they need to do to become more effective?

Locher: There's a lot to be done in terms of the Special Operations Command in the areas of doctrine, and tactics, and training, and I think much of the attention over the next few years is going to be on the intellectual dimension of it. There's going to be some more focus on how we can provide the kind of specialized equipment that these people need. I think eventually the Congress is going to win on this issue; that the command will be given some authority. We would not expect them to become, as I mentioned, a big procurement agency. We'd like them to operate sort of the way the Strategic Defense Initiative Organization does. It has control of the money, but the services are the executive agents. They tell the services what to do and the services go out and do it in their normal development and acquisition channels. That's what we'd like the Special Operations Command to do. We'd like them to have the checkbook but not to have to create a large staff to do this.

One of the other things that needs to be done is that the regional organizations have been very separate, and I think that the command is going to become a central focal point where they can work with each region and think about its needs, compare them to some of the other regions, and develop some more common approaches. There hasn't been enough of a central focus to help some of the regions think about their special operations and their needs and problems, and I think that's going to come about as well.

On the intelligence side, I don't know what's going to be done. There are some real problems. The services have some intelligence activities that may

or may not, or should or should not, be assigned to this command. Some of those issues may be addressed as well.

Student: To what extent do the unified commands have intelligence of their own, and would that solve the problem of special forces intelligence?

Locher: The forward deployed unified commands have their own intelligence organizations that collect and share information. With this command located in the United States, it's not likely that it could produce an intelligence organization that could reasonably be expected to collect all of the kinds of intelligence information they might need. So I think there are going to have to be other arrangements. But this is not an area of expertise for me. I've probably said more than I should have.

Student: Could you just describe the deployment of some number of special forces in conjunction with some number of conventional forces? What would happen, let's say, if we had another problem like Grenada, or something a little bigger, maybe in the Philippines? How would that work? Who would call whom and ask for what?

Locher: Let's say we did something in the Philippines. The commander of the operation would be the Commander in Chief of the U.S. Pacific Command, Admiral Hays in Hawaii. If we decided that his forces were going to be augmented with additional special operations forces out of the continental United States, they would be, as we call it, "chopped" from General Lindsay in Tampa to Admiral Hays. They would be under Admiral Hays' command. Now General Lindsay would continue to keep an interest as to what was going on to make certain that the forces were being properly employed, and he has this special operations commander out in Hawaii who's to advise Admiral Hays. But the forces then would belong to Admiral Hays and he would have full operational control and command of them.

Student: They would augment existing special forces?

Locher: They could, or it may be a capability he does not have within the theater.

Oettinger: But if the theater commander of those forces were to have a sense that he was being misemployed, or whatever, a message back home would come to a four-star general who would be able to talk to the four-star CINC and have a chance of being heard. Otherwise, if the guy is a colonel,

he will never get through in any manner that matters while his people are being chopped up.

McLaughlin: Misemployed in some of these cases is very much voluntary, however. I'm thinking of Grenada. The special forces tend to be the most over-trained, the most intensively trained, of all forces. One small group — 72 people — back in 1983 expended as much ammunition in training as the 82nd Airborne Division. If there is a chance for use, those people are dying to go, and it is very easy for a commander of that kind of group to say, "Okay, this is not how we're best employed, but we'll do the job." That has been known to happen on a number of occasions.

Locher: In response to your question, it could work the other way. As I mentioned, in the law there is a potential operational role for the commander of the Special Operations Command. The President could decide that he would command an operation in some part of the world, even though it could be in Admiral Hays' geographic area of responsibility. The Special Operations Commander, under the direction of the President and the Secretary of Defense, can go in and do it. There might be a number of reasons we'd want to do that. He may or may not go to the region himself. He could send his units and keep control, and he might actually go to Washington where he and the President and the Secretary of Defense would run the operation.

Student: Van Creveld in *Command in War** talks about the communication problems between Vietnam and Washington, and he also talks about that in the context of the Sinai where everybody was worried about communicating so much that they didn't focus on what was going on right there. They were too busy communicating with one another. Don't some of the same problems occur? We have the four-star general in the States who then has to hear from the colonel in the field and then get back to the four-star general in the field to make decisions?

Locher: If the colonel in the field belongs to General Lindsay — you're saying he has to communicate with General Lindsay, and then General Lindsay calls the four-star Admiral Hays out in the area?

Student: Right. Isn't that really putting a large burden on communications?

Locher: In today's world, probably not. But remember that the formal chain of command in this

*Martin Van Creveld, *Command in War*. Cambridge, MA: Harvard University Press, 1985.

arrangement would not involve General Lindsay. The CINC out in Hawaii would have absolute operational command. Whatever communication occurs with General Lindsay and between General Lindsay and Admiral Hays is off line. You'll have a specified chain of command. One of the things that the Goldwater-Nichols Act does is authorize that CINC to prescribe the chain of command that he finds necessary to conduct the operation. In the past he couldn't do that because he had to go through all the service levels. And in the Persian Gulf, where General Crist* has put together a very short chain of

command, he's actually doing that. But in today's world communications are such that these are not great difficulties — calling back to Tampa to check with somebody. If it became part of the operational chain of command then you might be a little worried.

Oettinger: It's not a technical problem. The organizational problem is what's critical.

Jim, we want to thank you so much.

*General George B. Crist, USMC, Commander in Chief, U.S. Central Command.