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Definition of
Operational Command and Operational Control

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Contents

	Page
Background and Origin of the Terms	1
First Definition of Operational Command, 1959	5
Revised Definitions of Operational Command and Operational Control, 1963	11
Tab A - Hearings before the Committee on Armed Services, House of Representatives on Reorganization of the Department of Defense (extract)	16
Tab B - Addition of USSTRICOM to the Unified Command Plan, 1962	19
Tab C - Command Relations between COMUSMACTHAI/ COMUSMACV and Commander, 2d Air Division, November 1962	23

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Definition of Operational Command and Operational Control

Background and Origin of the Terms

Experience with operation of the unified command system extends backward to the development of the first Unified Command Plan (UCP) by the Joint Chiefs of Staff and its approval by President Truman in December 1946. However, the problem of distinguishing between Operational Command and Operational Control was not encountered until the coming into effect of the Department of Defense Reorganization Act of 1958. The 1958 Act, which amended the National Security Act of 1947, first introduced the term "operational command." The term had not been in use up to then in the successive versions of UCP or in the doctrinal manual Joint Action Armed Forces (JAAF), nor had it appeared in the Dictionary of United States Military Terms for Joint Usage (Joint Dictionary).

Prior to the 1958 legislation, what the commanders of unified or specified commands exercised was, simply, "unified command," or "JCS specified command." In practice, though not be explicit definition, the exercise of unified command encompassed the commonly recognized elements of Operational Control, plus certain specific authorities or responsibilities. One of the specific authorities that was to have particular bearing on the post-1958 developments was the following: In a memorandum for the Secretary of Defense on 12 September 1956 (derived from JCS 1259/364) the Joint Chiefs of Staff recommended modification of UCP to provide that the commander of a unified or specified command would exercise directive authority within his command in the field of logistics. Following approval by the Secretary of Defense, this provision was added to UCP and JAAF. Thus, prior to 1958, directive authority in the field of logistics was established as a standard attribute of the commanders of unified and specified commands.

On 3 April 1958, President Eisenhower addressed a special message to the Congress on reorganization of the defense establishment. It made a number of proposals that were subsequently incorporated in the Department of Defense Reorganization Act of 1958. The following extracts from the President's message are particularly pertinent to the development of the unified command system:

> We must organize our fighting forces into operational commands that are truly unified, each assigned a mission in full accord with our over-all military objectives . . . .

I intend that, subject only to exceptions personally approved by the Commander-in-Chief, all of our operational forces be organized into truly unified commands. Such commands will be established at my direction. They will be in the Department of Defense but separate from the military departments. . . .

Because I have often seen the evils of diluted command, I emphasize that each unified commander must have unquestioned authority over all units of his command. Forces must be assigned to the command and be removed only by central, direction--by the Secretary of Defense or the Commander-in-Chief--and not by orders of individual military departments.

. . . I request repeal of any statutory authority which vests responsibilities for military operations in any official other than the Secretary of Defense. Examples are statutory provisions which prescribe that the Air Force Chief of Staff shall command major units of the Air Force and that the Chief of Naval Operations shall command naval operating forces.

. . . the Joint Chiefs of Staff will in the future serve as staff assisting the Secretary of Defense in his exercise of direction over unified commands. Orders issued to the commands by the Joint Chiefs of Staff will be under the authority and in the name of the Secretary of Defense.

In passing the Department of Defense Reorganization Act of 1958 the Congress fulfilled the requests of President Eisenhower. The Act established the following statutory provision regarding unified commands (presented here with the sentence of principal concern underlined for emphasis):

With the advice and assistance of the Joint Chiefs of Staff the President, through the Secretary of Defense, shall establish unified or specified combatant commands for the performance of military missions, and shall determine the force structure of such combatant commands to be composed of forces of the Department of the Army, the Department of the Navy, the Department of the Air Force, which shall then be assigned to such combatant commands by the departments concerned for the performance of such military missions. Such combatant commands are responsible to the President and the Secretary of Defense for such military missions as may be assigned to them by the Secretary of Defense, with the approval

of the President. Forces assigned to such unified combatant commands or specified combatant commands shall be under the full operational command of the commander of the unified combatant command or the commander of the specified combatant command. All forces not so assigned remain for all purposes in their respective departments. Under the direction, authority, and control of the Secretary of Defense each military department shall be responsible for the administration of the forces assigned from its department to such combatant commands. The responsibility for the support of forces assigned to combatant commands shall be vested in one or more of the military departments as may be directed by the Secretary of Defense. Forces assigned to such unified or specified combatant commands shall be transferred therefrom only by authority of and under procedures established by the Secretary of Defense, with the approval of the President.

The reference to "full operational command" was an addition made by the Congress to the draft legislation originally submitted by the President.[2] The authoritative statement of legislative intent regarding it is contained in the report made by the House Committee on Armed Services on 22 May 1958 (HR Report 1765, 85th Cong., 2d Sess.). The following is the pertinent extract:

> The "full operational command" vested in the commanders of the unified or specified commands is the full operational control required for the prompt and effective use of their assigned forces. So that there will be no question as to the command authority of the unified or specified commander, the following definition of his control over his component forces clearly establishes the broad scope of the authority he possesses in the exercise of this operational control (full operational command): This operational control is defined as those functions of command involving the composition of subordinate forces, the assignment of tasks, the designation of objectives and the authoritative direction necessary to accomplish the mission. Operational control should be exercised by the use of the assigned normal organizational units through their responsible commanders or through the commanders of subordinate forces established by the commander exercising operational control. It does not include such matters as administration, discipline, internal organization and unit training, except when a subordinate commander requests assistance.[3]

In its report, the House Committee on Armed Services used "operational control" and "operational command" interchangeably, though only the latter term appeared in the statute. What is more, in providing a definition the Committee used word-for-word the existing definition of Operational Control, as it appeared in the current Joint Action Armed Forces. All the wording following "defined as" was identical with paragraph 30261 of JAAF, in effect since 1951; the same definition had been in the Joint Dictionary since the edition of June 1950.[4]

The House Committee on Armed Services had held extended hearings before completing its action and writing HR Report No. 1765. The testimony given by Department of Defense witnesses, the nature of the questioning that elicited it, and certain passages in the report all contribute to interpretation of the Congressional intent regarding "full operational command." A recurring theme in the testimony of General Twining, seconded in other statements by Admiral Burke, General Taylor, and General Pate, was that unified commanders should not be encumbered with the responsibilities and the large headquarters that would follow from an assignment of "total" or "complete" command authority. An extract of a key passage in the hearings transcript, involving Secretary of Defense McElroy and General Twining, is attached at Tab A. In reading a prepared statement at a later point in his testimony, General Twining said, "We also want our field commanders to have unquestioned authority over all units which they command. We do not want them, on the other hand, to be bogged down with the details of administration, or the nuts and bolts of the entire logistic support."[5]

The evidence seems clear that the House Committee members chose "full operational command" as a designation indicating unquestioned authority, but that they nevertheless regarded "operational" as a limiting word. They found the intended limits already well expressed in the existing definition of Operational Control and drew upon it in writing their report.

The Department of Defense Reorganization Act of 1958 made fundamental changes that had to be reflected in revisions of the Unified Command Plan, JAAF, and other basic documents. In this connection the Joint Chiefs of Staff were called upon to provide a definition of Operational Command in early 1959. The resulting definition stood until 1963, when the Joint Chiefs of Staff reconsidered the definitions of both Operational Command and Operational Control. The revised definitions, approved by the Secretary of Defense on 10 October 1963, are the ones currently in effect.

The progressive development of the definitions is recounted below. At Tabs B and C are accounts of two actions in the period 1961-1962 that involved practical application of the two terms. These instances illustrate some of the problems encountered and provide further expressions of the thought of the Joint Chiefs of Staff and the legal advisers to the Secretary of Defense regarding them.

First Definition of Operational Command, 1959

In a memorandum for the Joint Chiefs of Staff on 16 January 1959, Secretary of Defense Neil McElroy referred to the statements in President Eisenhower's message of 3 April 1958, to the statutory provision that unified and specified commanders would exercise "full operational command," and to the guidance provided by the Congressional Committee's report. He believed it was now necessary to develop a more detailed definition of Operational Command, "based on professional experience and knowledge." The Secretary directed the Joint Chiefs of Staff to undertake this task, for completion within ten days.[6] Their response, provided in JCSM-29-59, 26 January 1959, contained the following:

> 2. The Joint Chiefs of Staff propose the following concise definition of "Operational Command":
>
> > Operational Command -- Those functions of command over assigned forces involving the composition of subordinate forces, the assignment of tasks, the designation of objectives, the overall control of assigned resources, and the full authoritative direction necessary to accomplish the mission.
>
> 3. In order to provide more specific guidance to field commanders, it is further proposed that JAAF and the Unified Command Plan be modified to include the following instructions:
>
> > 1. Within the framework of the foregoing basic definition, and within the provisions of policies and directives imposed by higher authority and by legislation, the commander of a unified command or specified command is authorized to:
> >
> > > a. Plan for, deploy, direct, control, and coordinate the actions of assigned forces in conformity with paragraphs 2 and 3 below.

b. Conduct joint training exercises, as may be required to achieve effective employment of the forces of his command as a whole, in accordance with doctrine for unified operations and training as established by the Joint Chiefs of Staff; establish such training policies for joint operations as are required to accomplish the mission.

c. Exercise directive authority within his command in the field of logistics in order to insure effectiveness and economy in operations and the prevention or elimination of unnecessary duplication of facilities and overlapping of functions among the Service components of his command. As previously provided, the Services will continue to have responsibility, under the direction of the Secretary of Defense, for the logistical support of component commands.

d. Establish such personnel policies as required to insure uniform standards of military conduct.

e. Exercise directive authority over all elements of his command, in accordance with policies and procedures established by higher authority, in relationships with foreign governments, including the armed forces thereof, and other agencies of the U.S. Government.

f. Establish and coordinate, as appropriate, policies affecting the intelligence activities of his command.

g. Review the recommendations bearing on the budget from the component commanders to their parent Military Departments to verify that the recommendations are in agreement with his plans and programs.

2. Within unified commands, operational command will be exercised through the Service component commanders, or be exercised through the commanders of subordinate commands, when such commands are established by the unified commander in accordance with procedures and criteria set forth in JAAF.

3. Within specified commands, operational command will be exercised through the commanders of appropriate subordinate commands established by the specified commander. When the subordinate command structure involves the forces of two or more Services, any deviation from the principle of component command will be recommended by the specified commander for approval by the Joint Chiefs of Staff.[7]

Returning to the concise definition of Operational Command in paragraph 2 above, a comparison with the definition set forth by the Congressional Committee shows that the Joint Chiefs of Staff had used only the first sentence of the Congressional version as the basis for their concise definition. Further, they had added one phrase, "the over-all control of assigned resources." Primarily, the phrase was meant to denote directive authority in the field of logistics, a function of command that was treated further in the specific guidance in paragraph 3. The available records contain no definite statement supporting the following supposition, but it appears to have been the basis for insertion of the added phrase: since directive authority in the field of logistics was invariably exercised by unified and specified commanders, but not by others, it was considered by the Joint Chiefs of Staff to be a distinguishing feature of Operational Command.[8]

A dissenting view of the Commandant of the Marine Corps was forwarded to the Secretary of Defense. He held that the one-sentence definition should be exactly as given in the report of the Armed Services Committee and hence should omit "the over-all control of assigned resources."

> The Commandant of the Marine Corps considers that any change whatsoever to this basic definition would not only be unnecessary and undesirable, but would be subject to interpretation as a disregard for the expressed intent of Congress.[9]

The JCS submission received the endorsement of the OSD General Counsel, Mr. Robert Dechert. In a memorandum for the Secretary of Defense that first reviewed the statutory provision and then quoted the Congressional Committee's report, the General Counsel concluded as follows:

> The first sentence of the above quotation provides a suggested definition. The second sentence is a rule of application.

The definition of "Operational Command" of the Joint Chiefs of Staff contained in their memorandum to you, dated 26 January 1959, reflects the definition as suggested by the Committee in the first sentence quoted above. It is in consonance with the Act and the legislative history of the Act, and in my judgment is entirely proper as a matter of law.[10]

On 2 February 1959, Secretary McElroy approved the concise definition of Operational Command submitted in JCSM-29-59. "This definition and the specific guidance to Field Commanders contained in paragraph 3 of reference should be incorporated in the next revision of the Unified Command Plan, the Joint Action Armed Forces, and in other pertinent documents."[11]

JCS PUB 2, Unified Action Armed Forces (UNAAF), 23 November 1959

The revision of Joint Action Armed Forces coincided with its transformation into JCS PUB 2, Unified Action Armed Forces (UNAAF). The Joint Chiefs of Staff first issued JCS PUB 2 in November 1959. Five of the paragraphs of its Chapter III, Principles Governing Unified Direction of Forces, deserve particular notice.

1. 30201 b. Operational Command. This subparagraph contained the concise definition of the term that had been approved by the Secretary of Defense on 2 February 1959, reading as follows:

> 30201 b. Operational Command. Those functions of command over assigned forces involving the composition of subordinate forces, the assignment of tasks, the designation of objectives, the over-all control of assigned resources, and the full authoritative direction necessary to accomplish the mission. (See paragraphs 30202 and 30203 for specific guidance.)

Paragraph 30202 contained the specific guidance to field commanders that the Secretary had also approved, while paragraph 30203 was titled "Specific Guidance on Exercise of Directive Authority in the Field of Logistics."

2. 30201 c. Operational Control. The subparagraph consisted of the same definition that had appeared since 1951 in JAAF;

it was the one whose wording had been used by the House Committee on Armed Services in defining "full operational command."

> 30201 c. Operational Control. Those functions of command involving the composition of subordinate forces, the assignment of tasks, the designation of objectives and the authoritative direction necessary to accomplish the mission. Operational control should be exercised by the use of the assigned normal organizational units through their responsible commanders, or through the commanders of subordinate forces established by the commander exercising operational control. It does not include such matters as administration, discipline, internal organization and unit training, except when a subordinate commander requests assistance.

As will be recounted, subparagraphs 30201 b. and c., above, were later modified significantly. The three paragraphs treated hereafter, however, have remained unchanged from 1959 to the present; they appear in the current edition of JCS PUB 2, published in October 1974.

3. 30221 Definition of a Unified Command. In light of the Department of Defense Reorganization Act of 1958, the definition of a unified command had been substantially rewritten from what had appeared theretofore in JAAF.

> 30221. Definition of a Unified Command
>
> A unified command is a command with a broad continuing mission, under a single commander and composed of significant assigned components of two or more Services, and which is established and so designated by the President, through the Secretary of Defense with the advice and assistance of the Joint Chiefs of Staff or, when so authorized by the Joint Chiefs of Staff, by a commander of an existing unified command established by the President.

4. 30227 Operational Command. The definition just given of a unified command includes a unified command established with proper authorization by an existing unified commander; that is, a subordinate unified command. Accordingly, the prescription in the following paragraph would appear to apply as fully to the commander of a subordinate unified command as to the commander of a unified command established by the President.

30227. Operational Command

> To enable him to discharge his strategic and operational responsibilities, the commander of a unified command is authorized to exercise operational command as set forth in paragraphs 30201 and 30202, and directive authority in the field of logistics as set forth in paragraph 30203.

5. 30234 Authority of Commanders of Subordinate Unified Commands and Their Component Commanders. This paragraph was newly written, having had no counterpart in JAAF.

30234. Authority of Commanders of Subordinate Unified Commands and Their Component Commanders

> A commander of a subordinate unified command (i.e., a unified command established by the commander of an existing unified command established by the President, paragraph 30221) within his area of responsibility and subject to modification by the authority appointing him to such command has functions, authorities and responsibilities similar to those of the commander of a unified command established by the President. However, commanders of Service components of subordinate unified commands will communicate directly with the commanders of the Service components of the unified command on matters which are the responsibility of the Military Departments and Services, or as directed by their Chief of Service. Similarly, their component commanders have responsibilities and missions similar to those enumerated in paragraphs 30231, 30232, and 30233.

In the wording of the first sentence, both "subject to modification by the authority appointing him" and "similar to" provide latitude for variant forms. The documentation of the action by which the Joint Chiefs of Staff approved JCS PUB 2 contains no statement of intent or other discussion that would assist the interpretation of these words.[12]

JCS PUB 1, Dictionary of United States Military Terms for Joint Usage (Joint Dictionary), 1 July 1959

The definitions of Operational Command and Unified Command that are given in 1 and 3, above, also appeared in the Joint Dictionary, JCS PUB 1, beginning with the edition of 1 July 1959. In it the entry for Operational Control continued without change from what had appeared in the editions running back to 1950.

The next issuance of JCS PUB 1, dated 1 November 1960, was the first to include a NATO Glossary. Accordingly, it was the first to contain the footnote, "Joint Dictionary and NATO definitions differ," with reference to Operational Command and Operational Control.[13]

Revised Definitions of Operational Command and Operational Control, 1963

Movement toward reconsideration of the existing definitions began in late 1962. It followed from a recent JCS action regarding command relationships in Southeast Asia (Tab C), in which the Joint Chiefs of Staff had revised their initial recommendation to the Secretary of Defense in deference to the legal opinion of Mr. Solis Horwitz, Director of Organizational and Management Planning, OSD. On 10 November 1962, in CM-99-62 to the Director, Joint Staff, General Taylor wrote that the recent exercise "suggests the definitions for 'Operational Command' and 'Operational Control' in the current issue of JCS PUB 1 (Dictionary of US Military Terms of Joint Usage) should be revised." He instructed the Director to begin a review of this matter within the Joint Staff; Mr. Horwitz "should be asked to assist in our review."[14]

By DJSM-1479-62, 23 November 1962, the Director informed General Taylor that compliance with his instructions had resulted in a determination that "in order to clarify the usage of the terms, the current definitions should be revised."

2. The National Security Act of 1947, as amended by Department of Defense Reorganization Act of 1958, specifically provides that the term "Operational Command" shall be used in connection with the type of control exercised by the commanders of unified and specified commands. The House of Representatives Report No. 1765 in connection with the amendment further defined "Operational Command" using the exact definition of the term "Operational Control" which has been in use by the Services for many years. When the term "Operational Command" was added to the Joint Dictionary in 1958, its definition closely paralleled "Operational Control" except for the addition of the phrase "overall control of assigned resources."

3. Since the terms are so closely related, it appears that the term "Operational Command" may be made synonymous with the term "Operational Control" and the "overall control of assigned resources" provided appropriate commanders separately. Thus the new definition will satisfy the provisions of the law and eliminate the confusion between the two terms as well.

Accordingly, the definitions would read as follows:

Operational Command - (The term, synonymous with Operational Control, which is uniquely applied to the Operational Control exercised by the commanders of unified and specified commands over assigned forces in accordance with the National Security Act of 1947, as amended.) See Operational Control.

Operational Control [the existing definition, unchanged] - Those functions of command involving the composition of subordinate forces, the assignment of tasks, the designation of objectives and the authoritative direction necessary to accomplish the mission. Operational control should be exercised by the use of the assigned normal organizational units through their responsible commanders or through the commanders of subordinate forces established by the commander exercising operational control. It does not include such matters as administration, discipline, internal organization and unit training, except when a subordinate commander requests assistance.

The Director, Joint Staff, indicated that the above changes to the Joint Dictionary had been coordinated and approved tentatively by the Services through normal terminology procedures. The further steps necessary to promulgate the changes would not be taken immediately, however, since the effect the change in definition would have on command

relationships and responsibilities as set forth in UNAAF and the Unified Command Plan had yet to be worked out. The Chairman was advised that this task had been assigned to the Director of Plans and Policy (J-5).[15]

After some months in which no further progress was recorded, the matter received a strong impetus from the Secretary of Defense. In a memorandum to the Chairman on 16 August 1963, Secretary McNamara wrote as follows:

> As a matter of priority, the Joint Chiefs of Staff are also requested to undertake for my review revision of the definitions of "operational command" and "operational control" so that they are in consonance with the legislative intent of the DoD Reorganization Act of 1958.[16]

The Joint Chiefs of Staff began their consideration on the basis of a report by J-5 contained in JCS 1259/640, 30 August 1963. It recommended that they approve the revised definitions that had been tentatively worked out in November 1962 with the assistance of Mr. Horwitz (quoted above).[17] In the course of their deliberations the Joint Chiefs of Staff adopted the suggested wording without substantial change, but with the primary definition shifted to appear under Operational Command rather than under Operational Control. The memorandum they forwarded to the Secretary of Defense on 23 September 1963 (JCSM-726-63) read as follows:

> 2. Pursuant to the referenced memorandum, the Joint Chiefs of Staff have reviewed the definitions of Operational Control and Operational Command. They consider that the current definitions are militarily satisfactory, have operated effectively under the law, and provide a degree of distinction between Service functions and Unified Command responsibilities. However, it is recognized that a possible misinterpretation of current definitions could be made in that the terminology is not in strict conformance with the wording in House of Representatives Report No. 1765, dated 22 May 1958.
>
> 3. In view of the foregoing, the Joint Chiefs of Staff have agreed upon the following definitions of Operational Command and Operational Control:
>
> OPERATIONAL COMMAND - Those functions of command involving the composition of subordinate forces, the assignment of tasks, the designation of objectives

[redacted]

and the authoritative direction necessary to accomplish the mission. Operational Command should be exercised by the use of the assigned normal organizational units through their responsible commanders or through the commanders of subordinate forces established by the commander exercising operational command. It does not include such matters as administration, discipline, internal organization, and unit training, except when a subordinate commander requests assistance. (The term is synonymous with OPERATIONAL CONTROL and is uniquely applied to the operational control exercised by the commanders of unified and specified commands over assigned forces in accordance with the National Security Act of 1947, as amended and revised (10 USC 124)).

OPERATIONAL CONTROL: See OPERATIONAL COMMAND.[19]

In the documentary record of this JCS action, the only further indication of the thought underlying the transposition of definitions is in the Air Force Purple whose adoption brought it about:

REASON: To define both terms in the context of the operative rather than the inoperative phase [phrase?] and to be in complete accord with HR No. 1765, dated 22 May 1958.[19]

The revised definition of Operational Command was found acceptable by the Secretary of Defense, presumably with the concurrence of his legal advisers. He approved it on 10 October 1963.[20] Eleven days later he forwarded a revised Unified Command Plan to President Kennedy, which included this and other changes. In recommending approval, Secretary McNamara drew the updated material in the plan to the President's attention, including:

1. A new definition of "operational command" to bring that term into consonance with the legislative intent of the DoD Reorganization Act of 1958;[21]

Having received the President's approval, the new UCP was issued to become effective 1 December 1963 (SM-1400-63). Since the reference to "the over-all control of assigned resources" had now been deleted from the definition of

[redacted]

Operational Command but was intended to continue as a normal feature of the powers of a unified commander, it was mentioned separately, as follows:

> 10. The commander of a unified or specified command shall exercise operational command as defined in paragraph 11 below over all forces assigned to him for the accomplishment of his mission. In addition, the commander of a unified or specified command shall, except where specifically precluded herein, exercise those functions of command involving the control of assigned resources.

This, in turn, permitted a change in the UCP paragraph on USSTRICOM, removing language that had previously caused concern to the OSD General Counsel (Tab B). Since October 1962, subparagraph 24 a had read "CINCSTRIKE will exercise operational control of forces assigned to discharge his functional responsibilities for joint training . . . ." In the new UCP of 1 December 1963 this read "CINCSTRIKE will exercise operational command . . . ." To accomplish the purpose that had previously caused the Joint Chiefs of Staff to insist on "operational control" in this passage, the following new language was included:

> In fulfilling these functional responsibilities, CINCSTRIKE does not exercise those functions of command concerning the control of intelligence, communications and logistics associated with area responsibility.[22]

Changes to JCS PUB 1 and JCS PUB 2

The revised definitions of Operational Command and Operational Control were incorporated in JCS PUB 2, Unified Action Armed Forces, on 2 December 1963.[23] They appeared in the Joint Dictionary, JCS PUB 1, beginning with the edition of 1 February 1964. The definitions have continued without change, and they appear in the current edition of both publications.

Hearings before the Committee on Armed Services
House of Representatives, 85th Congress, 2d Session
on Reorganization of the Department of Defense

The extract given below from the hearings record for 23 April 1958 involved the following participants:

Representative Carl Vinson, Chairman, Committee on Armed Services
Mr. Robert W. Smart, Chief Counsel to the Committee
Secretary of Defense Neil McElroy
General Nathan F. Twining, Chairman, Joint Chiefs of Staff

Mr. Smart. Section 4 of your bill, Mr. Secretary, would deprive the military services, including the military chiefs, of any command or supervision over that portion of their troops or personnel assigned to a unified command. So if those provisions were enacted, there would be no doubt about total command being vested in the unified commander; that is right, is it not, sir?

Secretary McElroy. As far as operational command is concerned, I would agree with that. Of course, as you know from our previous testimony, administrative support is reserved to the services.

Mr. Smart. Well, now, that is the point that should be clarified. Because as I understand the military interpretatio of command, it is all-inclusive. It goes to the tactical authority and to the operational control of the units, and also includes all of the administrative type of things which have to happen. That is total command. Is that your understanding of the use of the word "command," General Twining?

General Twining. Total command would include everything, yes.

Mr. Smart. Now, if under section 4 of your bill you repeal those sections of law which vest any command in the military services over those units assigned to a unified command, the only place where there could be command would be then in the unified commander; is that so, General Twining?

General Twining. Total command by that definition, yes. But the unified commander must have sufficient command over his components to carry out his assignments. You can't call it total command, because the unified commanders do not want administrative command. They don't want it.

Mr. Smart. That is precisely the point I want to make. I am wondering whether General Norstad, the unified commander in Europe, and Admiral Stump, the unified commander in the Pacific, want the added duties of Inspector General, Surgeon General, court-martial action, and all of those administrative things which are an essential part of total command? Do they want that or do they just want operational command?

General Twining. They just want the operational command.

Mr. Smart. Well, the bill does not say that.

The Chairman. Assigned military operation command.

General Twining. That is right, sir.

The Chairman. Assigned military operation command.

Secretary McElroy. I think this is a good point that is being made, and perhaps some better wording of that particular section is called for.

Mr. Smart. The only point I wish to make: There is a specific difference in military terminology between the word "command," operational control, operational command.

The Chairman. That is right.

Mr. Smart. They have specific meanings. I was trying to get away from the general total command, which your bill specifies, and which I did not believe a unified commander actually wanted.

Mr. McElroy. No. They don't want it. I think it may be just as well for the committee to understand it. In the course of consulting various individuals under Mr. Coolidge's plan of talking to 70 or 80 of the principal people in the world who might advise us on this, we talked to the principal commanders, including General Partridge and Admiral Stump and General Norstad, and Admiral Wright, and so on. We did

not find any unified commander who did want to have anything but operational command, because the other things, such as those that Mr. Smart mentions, and others, would simply make it more difficult for him to concentrate on his operational command.[24]

Addition of USSTRICOM to the Unified Command Plan, 1962

On 19 September 1961 the Secretary of Defense directed the Joint Chiefs of Staff to prepare the necessary amendments to the Unified Command Plan to establish a new unified command that would "combine the forces of the Strategic Army Corps (STRAC) and the Tactical Air Command (TAC)."[25] The proposed addition to UCP that the Joint Chiefs of Staff submitted on 5 December (JCSM-815-61) read as follows:

> 24. United States Strike Command (USSTRICOM). The Commander in Chief, United States Strike Command (CINCSTRIKE) with present headquarters at MacDill Air Force Base, Tampa, Florida, will be the commander of a unified command comprising combat-ready forces assigned to his operational control for the accomplishment of his mission. The mission of CINCSTRIKE is: (1) to provide a general reserve of combat-ready forces to reinforce other unified commands, and (2) to conduct planning for and execute contingency operations as directed by the Joint Chiefs of Staff. In the execution of his mission CINCSTRIKE will also discharge functional responsibilities for joint training, including joint training exercises, and for the development of appropriate recommendations to the Joint Chiefs of Staff regarding doctrines and techniques for the joint employment of forces assigned to his operational control.
>
> a. When forces assigned to CINCSTRIKE are deployed for operations in the area of responsibility of the commander of another unified command, as such area is specified herein, such USSTRICOM forces will pass to the operational command of the commander in whose area operations are to be conducted, at a point mutually agreed upon, unless other arrangements are:
>
> (1) Directed by the Joint Chiefs of Staff, or
>
> (2) Reflected in plans which are approved by the Joint Chiefs of Staff.
>
> b. When CINCSTRIKE is designated by the Joint Chiefs of Staff to conduct contingency operations, he will exercise operational command of all forces assigned to him for the operations.

The wording of the main paragraph differed from the language used to describe all other commands in the Unified Command Plan. The standard form was "a unified command comprising all forces assigned for the accomplishment of his mission"; this left it to be stated elsewhere in the UCP that "the commander of a unified or specified command shall exercise operational command" over such forces. The proposed CINCSTRIKE paragraph read "a unified command comprising combat-ready forces assigned to his operational control for the accomplishment of his mission." CINCSTRIKE would exercise operational command only when designated by the Joint Chiefs of Staff to conduct contingency operations.[36]

In a memorandum for the Secretary of Defense on 15 December 1961 the General Counsel, Mr. Cyrus Vance, raised a number of questions about the JCS proposal, including the following:

> When, at your request, we reviewed the proposal of the Joint Chiefs of Staff from a legal standpoint, we were concerned at an apparent conflict between the proposal and the provisions of the National Security Act of 1947, as amended. The proposal vests only "operational control" in CINCSTRIKE while the law states that all unified commanders shall have "full operational command" over assigned forces.
>
> The Dictionary of United States Military Terms for Joint Usage distinguishes between the terms, operational control and operational command. It defines operational control as:
>
> > Those functions of command involving the composition of assigned forces, the assignment of tasks, the designation of objectives and the authoritative direction necessary to accomplish the mission.
>
> The approved definition of operational command is identical to that of operational control with one added function - the over-all control of assigned resources.
>
> The differing definitions for operational control and operational command were inserted into the Joint Dictionary after the Congress had provided that unified and specified commanders shall exercise "full operational command." The legislative history of the DoD Reorganizational Act of 1958 suggests that what Congress intended

by the term "full operational command" is what the Joint Dictionary now defines as "operational control." Thus, it could be argued that the discrepancy between the provision of the National Security Act of 1947, as amended, and the authority the Joint Chiefs of Staff propose to vest in CINCSTRIKE is more apparent than real.

We understand that CINCSTRIKE probably does not need directive authority over logistics because he will be CONUS based and supported directly by the logistics organizations of the departments. However, we considered that the apparent discrepancy in terminology would lead to confusion and misinterpretation which could be avoided by slightly changing the language of proposed amendment to the Unified Command Plan.

Accordingly, we recommended to you a modification to the language of the proposal in order to bring it in conformity with the language of the statute. We intended the modification to be one of format and not one of substance.

The General Counsel wanted to delete "to his operational control" in the two places it appeared, so that the language would become substantially identical to the other command descriptions. He would add a statement that the paragraph of the UCP that assigned directive authority in the field of logistics to unified commanders "is inapplicable except when CINCSTRIKE is designated to conduct contingency operations as hereinafter provided."[27]

In providing their views to the Secretary of Defense on 17 January 1962 (JCSM-35-62), the Joint Chiefs of Staff did not address the larger matter of the definitions of Operational Command and Operational Control and their relationship to the statutory provision. In defending their recommendation of the assignment of forces to CINCSTRIKE's operational control they stressed the practical advantages of the arrangement, noting that it "minimizes CINCSTRIKE's involvement in matters not of an operational nature." "It insures the maintenance of the USSTRICOM staff as a readily deployable headquarters unit capable of rapid movement and field employment when required."

The Joint Chiefs of Staff did somewhat lessen the legal difficulties cited by the General Counsel by accepting one element of his proposal. They submitted recommended changes

to their original UCP amendment that would delete the first use of "to his operational control." As a result the main statement would read much like the others in the Unified Command Plan: "a unified command comprising combat-ready forces assigned for the accomplishment of his mission." The second reference to operational control would remain but would be subordinated, in a new subparagraph a, reading as follows:

> a. CINCSTRIKE will exercise operational control of forces assigned to discharge his functional responsibilities for joint training, including joint training exercises, and for the development of appropriate recommendations to the Joint Chiefs of Staff regarding doctrines and techniques for the joint employment of forces assigned.[28]

After a delay for which the available records provide no explanation, the Secretary of Defense on 29 September 1962 approved the revised text recommended by the Joint Chiefs of Staff for inclusion in the Unified Command Plan.[29]

Command Relations between COMUSMACTHAI/COMUSMACV and Commander, 2d Air Division, November 1962

During a conference in Hawaii on 8 October 1962 the Secretary of Defense made certain decisions regarding command relations in Southeast Asia. Among them were that General Harkins would continue as COMUSMACTHAI and COMUSMACV and that he would remain in direct charge of the counterinsurgency program in South Vietnam. From Hawaii, the Chairman informed the Joint Chiefs of Staff of two further command questions that had been considered but deferred for subsequent decision. One of them General Taylor described as follows:

> A. It was proposed to concentrate all air responsibilities in SEA (less Air MAAG functions) in the CG, 2d AIRDIV (one or two stars) reporting to Harkins in his dual THAI/V position. Admiral Felt would prefer to have the CG, 2d AIRDIV report for US air operations directly to CINCPACAF.

General Taylor asked that a JCS position on the proposal be developed.[30]

The JCS views, forwarded to the Secretary of Defense by JCSM-825-62 on 30 October 1962, contained the following statement in the first paragraph:

> Cognizance was taken of the fact that operational command includes the exercise of directive authority in the field of logistics, and that if COMUSMACTHAI/COMUSMACV were to exercise operational command, it would imply the establishment of Service components under COMUSMACTHAI/COMUSMACV. This is not contemplated at this time.

JCSM-825-62 as originally submitted on 30 October contained the following recommended dispositions in paragraph 2:

> a. Operational command of all Air Force units in Southeast Asia will be exercised through a command channel running from CINCPAC to Commander in Chief, Pacific Air

Force, to Commander, 2d Air Division. The Commander, 2d Air Division, will be responsible for all Air Force activities in Southeast Asia except for those Military Assistance Advisory Group (MAAG) air functions which remain under the Chief of respective MAAGs.

b. Operational control of all Air Force activities in Southeast Asia will be exercised through a command channel running from CINCPAC to COMUSMACTHAI/COMUSMACV to Commander, 2d Air Division. The Commander, 2d Air Division, will be responsible to COMUSMACTHAI/COMUSMACV for all operational matters with which the units of his command are concerned.[37]

On 6 November 1962, by DJSM-1402-62, VADM Herbert D. Riley informed the individual members of the Joint Chiefs of Staff of a subsequent development. In the text of DJSM-1402-62, reproduced in full below, the reference paper was JCS 2339/96, from which JCSM-825-62 had been derived. Mr. Solis Horwitz, Director of Organizational and Management Planning, OSD, is referred to throughout the DJSM as "Mr. Horowitz."

1. The memorandum for the Secretary of Defense as set forth on pages 347-349 inclusive of the reference paper is now being reviewed within OSD, prior to referral to the Secretary of Defense for final action. Mr. Horowitz is the action officer preparing the recommendations on which the Secretary of Defense will base his action. Mr. Horowitz believes that the Joint Chiefs of Staff proposal should be approved by the Secretary of Defense and will so recommend, with one exception. That is the portion of the paper which covers operational command and operational control of Air Force activities in Southeast Asia, as set forth in paragraphs 2a and 2b, pages 347-348. Mr. Horowitz has checked these two subparagraphs from a legal viewpoint and against Congressional hearings at which these terms were addressed and against testimony on that subject by Secretary McNamara in hearings on the Hill. It is

Mr. Horowitz' opinion that the a and b subparagraphs of paragraph 2 (lines 26-28 inclusive on page 347 and lines 1-11 inclusive on page 348) should be deleted and that a single subparagraph should be substituted for them, reading as follows:

> Operational control of all Air Force activities in Southeast Asia except for those Military Assistance Advisory Group (MAAG) air functions which remain under the Chief of respective MAAG's will be exercised through a command channel running from CINCPAC to COMUSMACTHAI/COMUSMACV to Commander, 2nd Air Division. The Commander, 2nd Air Division, will be responsible to COMUSMACTHAI/COMUSMACV for all operational matters with which the units of his command are concerned. Responsibility for administration and logistics of the 2nd Air Division remains with CINCPACAF.

2. As you know, Congressional discussions of the import of the terms "operational command" and "operational control" are rather vague and no clear definition exists from a strictly legal point of view, although the import of these terms is well understood to military commanders and their superiors in the military chain of command. Additionally, Mr. Horowitz states that there is substantial sensitivity in OSD with regard to this subject and he urges that the JCS accept his proposed revision of the subparagraphs concerned in order that he may give his legal opinion to the Secretary of Defense that the JCS recommendations on command arrangements in Southeast Asia (as modified) are legally sound and that they should be approved by the Secretary.

3. In my opinion, the revision proposed by Mr. Horowitz is acceptable and accomplishes the same purpose as that which was intended by the JCS but in slightly different words. I

recommend that it be accepted and that I be so informed in order that I may prepare a revised JCSM as soon as possible to substitute for the one previously addressed to the Secretary of Defense. Mr. Horowitz assures me that if the revision he proposes is agreed by the JCS, he anticipates rapid approval by the Secretary of Defense.[32]

The Joint Chiefs of Staff approved the Director's proposal by phone vote. A substitute page for JCSM-825-62 was provided to the Secretary of Defense on 7 November 1962.[33]

FOOTNOTES

1. Memo, JCS to SecDef, "Unified Commands," 12 Sep 56 (derived from JCS 1259/364), CCS 381 (1-24-42) sec 64. Approved by DSecDef, 28 Sep 56, N/H of JCS 1259/364, 4 Oct 56, same file, sec 63. Implemented by JCS 911079, 3 Oct 56, same file, sec 64. The provision was included in the next overall revision of UCP; see JCS 1259/394, and UCP disseminated by SM-749-57, 24 Oct 57, in CCS 381 (1-24-42) sec 73.

Other information in the paragraph is based mainly on JAAF, first issued as FM 110-5/JAAF/AFM 1-1, 19 Sep 51. A copy is available in Military Documents Branch, Army Library, but does not have Changes. The JCS file copy of the 1951 JAAF is in CCS 370.21 (3-16-44) Bulky Package part 2.

2. Draft legislation was submitted by Letter, President to Speaker of the House of Representatives, 16 Apr 58, and printed as HR Document No. 371, 85th Cong, 2d Sess. This may be seen in the Army Library's Legislative History, Department of Defense Reorganization Act of 1958, Vol. 1 (KA 66 85-599 v. 1).

3. HR Report No. 1765, 85th Cong, 2d Sess, 22 May 1958, may be seen in the Army Library's Legislative History, Vol. 1, cited above. The paragraph given here was also quoted in CSAFM 337-58, 6 Nov 58, and in Memo, CNO to JCS, 6 Nov 58, both commenting on JCS 1259/426. This quotation plus further extracts appeared in Memo, CMC to JCS, "JCS 1259/426," 7 Nov 58. All in CCS 381 (1-24-42) sec 82. The CMC memo was later circulated as JCS 1259/446, 20 Jan 59, JMF 5160 (24 Jan 59).

4. In JAAF, paragraph 30261 defining Operational Control appeared in the section on Joint Task Force—not under Unified Command or among the definitions in the General section. For the Dictionary of United States Military Terms for Joint Usage (Joint Dictionary), which later became JCS PUB 1, see the collection of all superseded versions held by the Military Terminology Branch, J-1.

5. The House Committee on Armed Services held hearings from 22 April through 16 May 1958, plus a final work session on 21 May. The published hearings, under the title Reorganization of the Department of Defense, total nearly 900 pages. On the authority of unified commanders, what is clearly the seminal discussion occurred on 23 April; the statements made are extracted to appear at Tab A, drawing on pp. 6050-6051. The quotation of GEN Twining given in the text appears on p. 6176, but see also his remarks on pp. 6157-6159. The other JCS members were not questioned as closely on this matter, but remarks similar to those of GEN Twining are recorded as follows: GEN Taylor, p. 6303; ADM Burke, pp. 6359-6360, 6362, 6364, 6379-6380; GEN Pate, p. 6414. In the long course of the testimony, neither these officers nor GEN White said anything contradictory to the views here ascribed to GEN Twining.

6. Memo, SecDef to CJCS, "Authority of Unified and Specified Commanders," 16 Jan 59, Encl to JCS 1259/442, 19 Jan 59, JMF 5160 (24 Jan 59). Not mentioned in this account is the fact that GEN Twining had tried to put through an action on "Definition of Operational Command" by CM-219-58, 24 Oct 58, which was circulated in JCS 1259/426, 31 Oct 58. His paper was on the agenda for 7 Nov 58 but met with Navy, Air Force, and Marine Corps purples, all insisting that the House Armed Services Committee's definition was controlling and should be issued without elaboration. JCS action was temporarily suspended. All in CCS 381 (1-24-42) sec 82. It seems likely that GEN Twining inspired the SecDef memo, including its 10-day time limit. JCS 1259/442 brought the CJCS proposal in JCS 1259/426 back to attention, and the latter did provide the framework, and some of the items, for the subsequently approved Specific Guidance.

7. JCSM-29-59 to SecDef, 26 Jan 59 (derived from JCS 1259/452), JMF 5160 (24 Jan 59).

8. In the course of the drafting the phrase progressed from "the management of resources" to "the management of assigned resources" to "the over-all control of assigned resources"; same file.

9. JCSM-29-59 had a final paragraph indicating the nonconcurrence of CMC, but GEN Pate was not satisfied with the way it was stated. Accordingly, his memo to CJCS making this objection, 28 Jan 59, was forwarded to SecDef on that date and is reproduced as Encl to N/H of JCS 1259/452, 28 Jan 59. All in JMF 5160 (24 Jan 59).

10. Memo, General Counsel to SecDef, "Definition of Operational Command," 28 Jan 59, App to Encl B to JCS 1259/455, 5 Feb 59, JMF 5160 (24 Jan 59).

11. Memo, SecDef to CJCS, "Authority of Unified and Specified Commanders," 2 Feb 59, Encl B to JCS 1259/455, 5 Feb 59. The definition and Specific Guidance were passed to the commanders for immediate effectiveness by SM-126-59, 4 Feb 59, Encl A to JCS 1259/455, 5 Feb 59. All in JMF 5160 (24 Jan 59).

12. JCS PUB 2, UNAAF, was published in Nov 59 as a result of Dec On JCS 2045/29, 28 Jul 59, JMF 3203 (14 May 59) Gp 2. The JCS had to resolve a number of divergent views in reaching the decision, but neither these splits nor anything in the developmental material found in Group 1 of the file related to paragraph 30234 or its relationship to the other paragraphs. Thus there is no recorded guidance on the minimum essential features of a subordinate unified command. In practice, it appears, the form can be "modified" so fundamentally as to negate the grant of operational command made in paragraph 30227.

13. See superseded versions of JCS PUB 1 held by the Military Terminology Branch, J-1.

14. CM-99-62 to DJS, 10 Nov 62, JMF 9150/3100 (8 Feb 62) sec 1.

15. DJSM-1479-62 to CJCS, 23 Nov 62, JMF 5780 (23 Nov 62).

16. Memo, SecDef to CJCS, "Command Arrangements in Middle East/ Southern Asia and Africa South of the Sahara Areas (MEAFSA)," 16 Aug 63, Att to JCS 1259/634-6, 17 Aug 63, JMF 5160 (18 Dec 62) sec 5.

17. JCS 1259/640, 30 Aug 63, JMF 5780 (23 Nov 62). The original J-5 recommendation may be seen by consulting pp. 3-5 in the Drafts & Supreseded Pages section at the back of the file.

18. JCSM-726-62 to SecDef, 23 Sep 63 (derived from JCS 1259/640), JMF 5780 (23 Nov 62).

19. CSAFM-573-63, 17 Sep 63, same file.

20. Memo, SecDef to CJCS and Director of Operational and Management Planning, "Command Arrangements in Middle East/Southern Asia and Africa South of the Sahara Areas (MEAFSA)," 10 Oct 63, Encl to JCS 1259/634-17, 10 Oct 63, JMF 5160 (18 Dec 62) sec 7. JCS files contain no direct evidence of concurrence by OSD legal advisers.

21. Memo, SecDef to President, "Command Arrangements in . . . (MEAFSA)," 21 Oct 63, Encl B to JCS 1259/634-22, 22 Oct 63, same file.

22. 1st N/H of JCS 1259/634-22, 29 Oct 63, JMF 5160 (18 Dec 62) sec 7 For the new UCP, see JCS 1259/645, 20 Nov 63, or SM-1400-63, 20 Nov 63, JMF 5160 (11 Oct 63).

23. JCS PUB 2, UNAAF, 23 Nov 59, and all Changes are filed in JMF 3203 (14 May 59) Gp 4A. The new definitions were inserted by Change 6, 2 Dec 63. Change 8, 23 Jan 64, inadvertently reintroduced the old definitions, but this was corrected by an Addendum to Change 8. JCS PUB 2 was then republished with all amendments through Change 8; the format is such as to give the erroneous impression that the new definitions did not come in until Change 8.

TAB A

24. Hearings, Reorganization of the Department of Defense, H. Com on Armed Services, 85th Cong, 2d Sess, pp. 6050-6051.

TAB B

25. Memo, SecDef to CJCS, "Command Arrangements for STRAC and TAC," 19 Sep 61, Att to JCS 1259/552, 19 Sep 61, JMF 3140 (11 Apr 61) sec 4.

26. JCSM-815-61 to SecDef, 5 Dec 61 (derived from JCS 1259/571), JMF 5170 (12 Oct 61) sec 1.

27. Memo, General Counsel to SecDef, "JCS STRICOM Proposal," 15 Dec 61, Att to JCS 1259/575, 19 Dec 61, JMF 5170 (12 Oct 61) sec 2.

28. JCSM-35-62 to SecDef, 17 Jan 62 (derived from JCS 1259/579), same file.

29. 2d N/H of JCS 1259/579, 2 Oct 62, same file.

TAB C

30. Msg, CINCPAC (Taylor) to JCS, 090032Z Oct 62, JMF 9150/3100 (8 Feb 62) sec 1.

31. JCSM-825-62 to SecDef, 30 Oct 62 (derived from JCS 2339/96), same file. The original form of subparagraphs 2 a. and b. may be seen either in the superseded pages of JCS 2339/96 or in the withdrawn p. 2 of JCSM-825-62.

32. DJSM-1402-62 to GEN Taylor et al., 6 Nov 62, same file. Unfortunately this document is the only available record of Mr. Horwitz' intervention, and it does not reveal his underlying thought. In light of the statement in the first paragraph about testimony by Secretary McNamara, published Congressional hearings in which he participated, Jan 61-Oct 62, have been searched without discovering any reference to Operational Command or other pertinent material on the status of COMUSMACV. The volume of such hearings precludes certainty that the passage may not have been overlooked, but it is more likely that the SecDef testimony occurred in closed hearings.

33. See further documentation in JMF 9150/3100 (8 Feb 62) sec 1. File copies of both JCSM-825-62 and JCS 2339/96 show the final version of the memorandum to SecDef. The changes to the latter were effected by 2d Corrig to JCS 2339/96, 8 Nov 62.