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**NATIONAL DEFENSE
ITS PLACE IN OUR POLITICAL SYSTEM**

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31 MAY 1949

National defense -- its place in our
political system, by Lt Col J. H. Skel-
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NATIONAL DEFENSE - ITS PLACE IN OUR POLITICAL SYSTEM.

BRIEF

BY

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COMMAND AND GENERAL STAFF COLLEGE
DEPARTMENT OF OPERATIONS AND TRAINING

Fort Leavenworth, Kansas

31 May 1949

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BRIEF

SUBJECT: BRIEF OF NATIONAL DEFENSE - ITS PLACE IN OUR POLITICAL SYSTEM.

Gentlemen, our problem is to determine the place of national defense in the political system of the United States. It appears that two basic assumptions must be made before we can discuss the problem and arrive at certain conclusions. First we must assume that in referring to the political system of the United States we refer to the governmental organization and laws and activities established for the purpose of governing the people. Secondly we must assume that the term "national defense" is synonymous with the term "national security." I will discuss in the following order the political system of the United States, the concept of national defense and finally the effect of the economic policy on national defense.

The American political system is based on the Constitution. The majority of the delegates to the Philadelphia Convention in 1789 were broad minded, well educated, and politically experienced men. They had just concluded the Revolutionary war and had emerged with freedom as the inheritance of the American people. On the other hand they were well aware of the weakness of the central government under the Articles of Confederation. They were determined to draft the Constitution in a manner to insure a strong Federal government; and in order to prevent governmental tyranny they decided to divide in so far as practicable the governmental powers between three equal branches of government, the Legislative, the Executive and the Judicial branches. All of this they accomplished by writing the Constitution. The language of the Constitution is sufficiently broad and flexible to make this one hundred and fifty year old

document applicable today. State governments were established which were legally equal, inviolate and indestructible but they exercise little influence on national defense affairs. Another factor to be remembered in discussing our political system is that political parties which date back to the era of Thomas Jefferson exert a dominant influence on governmental functions.

Next let us discuss national defense. In writing the Constitution, the framers conceived the function of national defense to be as important as other functions and integrated national defense with other fundamental functions. For example promoting the general welfare and providing for national defense are mentioned in the preamble as reasons for establishing the Constitution. Self preservation is the first law of nature and of nations. Security tends to support nationalism; the desire for security promotes national unity; and a country secure by virtue of great reserves in manpower, natural resources, and technology attains the prestige of great power. Our national preservation or security involves more than resisting attack; it depends on our ability to meet an enemy threat at the proper time and place wherever it may occur. The only active means of effecting this defense are the available national military forces.

The responsibility for national defense is divided between the Executive and Legislative branches of the Federal government. The President exercises the Executive powers and is the Commander in Chief of the Armed Forces. The combination of the Executive power with the power to command the Armed Forces is the basis of the President's "war power." Lincoln discovered and used the war power to advantage during 1861 when for all practical purposes he waged war without the concurrence of Congress. Consequently he was called a "dictator." This is important because by utilizing his war power the President can commit this government to a policy of

war or peace.

The President's role in foreign affairs is important too. Theoretically the President shares with Congress the responsibility for determining foreign power. However, the President conducts foreign affairs on a day to day basis often without consulting Congress. Consequently the President dominates our foreign policy.

In addition to the above functions the President has the duty to guarantee every one of the States a Republican form of government. As an example, in 1841 President Tyler sent troops to suppress "Dorr's Rebellion" and restore the government of Rhode Island. An example of the President's role in suppressing domestic violence occurred early in history when in 1794 President Washington led the militia to suppress the "Whiskey Rebellion" in Pennsylvania.

The very vagueness of the Constitution invites clashes between Congress and the Executive branch. For example the Constitution does not specify who should direct foreign policy. This lack of definition has been the source of struggle between Congress and the President. However, Congress does have important responsibilities pertaining to national defense. It alone has the power to declare war even though this action is often only a formality. Congress must ratify all treaties. *foreign policy (would be better)* It must establish the means to carry out a defense program. *national defense* These means include the necessary funds as well as the national defense agency itself. Congress also must enact all the legislation required to furnish manpower, munitions of war, and provide for the regulation of the Armed Forces. By withholding the means, Congress can determine the fate of any program. This power is an effective check on the Executive branch.

The Judiciary has had but little effect on National defense. During the Civil War by rendering favorable decisions concerning the war power, the Supreme court emboldened Lincoln to take further actions without the consent of Congress.

The economic policy has had tremendous effect on national defense. For example the Marshall Plan has served to contain Soviet expansion.

Similiarly the corollary arms bill to the North Atlantic Pact with its economic implications will have a profound effect on national defense. Our economic policies throughout the world are inseparably linked with national security. In view of the foregoing I have made the following conclusions:

- a. The Constitution is the basis of American government.
- b. The American political system consists of a strong Federal type government whose powers under the Constitution are divided among the Legislative, Judicial, and Executive branches.
- c. State governments under the Constitution are legally equal, inviolable, and indestructible but they have a negligible role in the conduct of national defense.
- d. Political parties exercise considerable influence on the three branches of the Federal government.
- e. The Armed Forces maintained by the national government are the only active means of effective defense.
- f. The President is the head of government in time of peace and has the power to be practically a military dictator in time of war.
- g. Responsibility for determination of foreign policy is divided between the Executive and Legislative branches but the President has the dominant role; in carrying out his foreign policy the President can involve the nation in war.
- h. Congress is responsible: for establishing a national defense agency and for providing manpower and appropriations for national defense. As a result, Congress retains a potent "check" on the Executive branch.
- i. The Judicial branch has little effect on national defense.
- j. Economic policy influences and is inseparably linked with our national security.
- k. As set forth in the preamble to the Constitution, national defense is integrated with the other fundamental functions of the United States government and is implemented by both the Executive and Legislative branches of the Federal government.

James H. Sheldon

NATIONAL DEFENSE - ITS PLACE IN OUR POLITICAL SYSTEM

BY

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COMMAND AND GENERAL STAFF COLLEGE
DEPARTMENT OF OPERATIONS AND TRAINING

Fort Leavenworth, Kansas

31 May 1949

SUBJECT: NATIONAL DEFENSE - ITS PLACE IN OUR POLITICAL SYSTEM.

1. PROBLEM.--To determine the place of national defense in the political system of the United States.

2. ASSUMPTIONS.--It is assumed that:

a. The political system of the United States refers to the governmental organization and laws and activities established¹ for the purpose of governing the people.

b. The term "national defense" is synonymous with the term "national security"; further the word "security" involves the concept of offensive as well as defensive action and is defined as follows: "a condition of affairs in which the nation's territorial domain, political independence, rights and vital interests are free from any substantial threat of aggression from abroad, or from internal forces operating under foreign control and influence."²

3. FACTS BEARING ON THE PROBLEM.--For historical factual data see ANNEX 2.

4. DISCUSSION.--

a. The Political System of the United States.

(1) The Constitution.--The document forming the basis of the United States government is the Constitution. It was written in language sufficiently broad and flexible to be applicable generally to governmental problems today. It provides for a strong Federal government whose powers are divided among the three branches of the Federal government. The founders of the Constitution believed that by dividing the Federal powers among the Legislative, Executive and Judicial branches governmental

1. Annex 3, No.8, page 20.
2. Annex 3, No.10, page 2.

tyranny would be prevented. Each branch would act as a "check and balance" on the other two branches. However, complete separation of governmental powers is impracticable. Even the Constitution provides for overlap. For example, acts of Congress are subject to the veto of the President and treaties made by the President are subject to Senate concurrence.

(2) State Governments.---The establishment of a federal government implies that local governments in addition to the central government will be established. The local governments established were the State governments which under the Constitution are legally equal, inviolable and indestructible. Many people claim that the Federal government has usurped most of the rights reserved to the States by the Constitution. Professor Johnson, while admitting the acquisition of a great many powers by the Federal government as a result of liberalism, is of the opinion¹ that the important powers of the States are still intact. However, the States are prohibited from engaging in war(except to defend themselves until aid can be furnished by the Federal government) and the States do not participate as such in the conduct of foreign relations. Consequently, the role of the States in the conduct of national defense from an international viewpoint is negligible.

(3) Political parties.---Still another important factor in the United States political system is the "political party." The Constitution did not envisage the establishment of political parties. Political experience is the father of political parties which date back to Thomas Jefferson. Congress is managed by the political parties and the President usually is the leader of the dominant party. Congress must depend on committees to take action and committees usually are dominated by party politics. The appointment of Federal judges has usually been in accord with party affiliations. With few exceptions, only the men nominated by political parties are elected by the people to public federal² office.

1. Annex 3, No. 7, page 26.

2. Annex 3, No. 7, page 136.

It is readily seen that "the party" exercises considerable influence on the functioning of the three branches of the government.

b. National Defense.- Self-preservation is the first law of nature and of nations. The ideas of security pervade all activities of mankind.¹ Security tends to support nationalism; the desire for security promotes national unity; and a country secure by virtue of great reserves in manpower, natural resources, and technology attains the prestige of a great power. Alexander Hamilton called the motive of security "the most powerful dictator of human conduct."² Just prior to Pearl Harbor one did not dare to oppose measures designed to promote national security for fear of being considered a Nazi sympathizer. However it is assumed that our national security involves more than simply resisting attack. President Franklin D. Roosevelt remarked in his "Public Papers and Addresses":

The American Government must, of necessity, decide at which point any threat of attack against this hemisphere has begun; and to make their stand when that point has been reached.³

If the United States government in the future decides that the threat of attack has begun and makes its stand, the Armed Forces maintained by the national government are the only active means⁴ of effecting defense.

c. The Federal Government and National Defense.- The American Revolutionary war was fought by a weak central government established under the provisions of the "Second Continental Congress" and the "Articles of Confederation." A successful peace treaty was negotiated and as a result, independence and freedom was secured for the American people. Standing armies were not required in their opinion and were a menace to liberty. On the other hand, George Washington, the President of the convention, and many of the learned delegates at the convention had been either in the Army or in Congress and realized that the government under the Articles of Confederation lacked the powers which are a requisite for a

1. Annex 3, No 13, page 189.
2. Annex 3, No. 10, page 2.
3. Annex 3, No. 4, page 43-4.
4. Annex 3, No. 13, page 189.

1

strong and respected nation. Consequently national defense measures were written into the Constitution. In the opinion of General Upton, the authority to provide for national defense under the Constitution was unqualified and "gave every war power that the most despotic ruler could ask."² The importance of the "common defense" was stressed in the Constitution in comparison to the Articles of Confederation and was mentioned in the preamble along with the other functions of government. The delegates to the Convention conceived the function of national defense to be integrated with the other fundamental functions and consequently divided the responsibility for national defense between the Executive and Legislative branches.

(1) The Executive Branch.-Article II of the Constitution vests the executive power in the President. History indicates that the personality and ability of the President has a lot to do with the extent to which executive power may be employed. In any event the Constitution: designates the President as Commander in Chief of the Army and Navy; charges him to execute the laws of the United States; and requires him, in coordination with Congress, to guarantee the forty-eight States a republican form of government, and assist them (usually only upon request), in suppressing domestic violence; and finally confers upon him certain powers affecting our foreign relations.³ The President is "head of the government in time of peace" and a "Constitutional dictator" in time of war.⁴

(a) Commander in Chief.-The President as Commander in Chief is authorized to take command of forces in the field, and President Washington did so during the Whiskey Rebellion in 1794.⁵ Most Presidents content themselves with the direction of national strategy. Lincoln coupled his Executive power with his powers as Commander in Chief to form the "War Powers." Under this important interpretation, Lincoln determined the existence of the "rebellion," inducted the militia into federal service, increased the Army beyond

1. Annex 3, No. 7, page 1.
2. Annex 3, No. 2, page 74.
3. Annex 3, No. 5, page 200.
4. Annex 3, No. 7, page 739.
5. Annex 3, No. 6, page 42.

its authorized strength, and performed many other acts which his predecessor was unwilling to do. All this was done without the concurrence of Congress. Lincoln then in effect had waged war without the consent of Congress and in fact was stamped as a "military dictator."¹ The Supreme Court backed Lincoln up during the war.² It followed that "the war power" belonged to the President and that it was his duty in an emergency to take the necessary action to defend the United States. An important principle had been established. Congress might object to "facts accomplished" but such objection probably would not amount to repudiation. In World War I, President Wilson used these same "war powers" discovered by Lincoln. President Roosevelt was initially blocked in 1939 by the neutrality act and had no alternative but to call Congress which remained in continuous session throughout the War. Nevertheless, the President by his "neutrality patrol" and other similar measures short of war circumvented legislative authority and could have plunged this country into war if the Axis powers had been so disposed.

(b) Foreign Policy.— Theoretically the President shares with Congress the responsibility for determining foreign policy. The Constitution authorizes the President with the consent of the Senate to appoint certain officers such as ambassadors, consuls and other foreign service personnel. Yet the President is able to remove diplomatic officers at any time. The Constitution authorizes the President to make treaties only with the consent of the Senate. Yet the President is able to make executive agreements which correspond closely to treaties, without even consulting Congress. In addition to the powers he shares with Congress, the President has many powers which he exercises solely in his own right. For example he is the sole organ of communication with other governments; he receives ambassadors and other foreign dignitaries and conducts

1. Annex 3, No. 4, page 42-4.
2. Annex 3, No. 5, page 162-3.

foreign affairs on a day to day basis; and he may recognize foreign governments or not as he desires. Corwin says that both by practice and by judicial doctrine the President may take measures which are technically acts of war in protection of American rights abroad.¹ Clearly then the President has the dominant role in determining our foreign policy. This role is important because, considered in conjunction with his power to command the Armed Forces, the President is able to commit this government to war or peace.

(b) Republican Form of Government.- The National government is required under the Constitution to guarantee every State a Republican form of government and to protect each of them against domestic violence. As an example of the Federal government guaranteeing each State a republican government President Tyler in 1841 suppressed "Dorr's Rebellion," which took place when Thomas Dorr and his followers attempted to overthrow the legally established government.² An example protecting the States against domestic violence occurred early in the history of the United States when George Washington led troops to suppress the "Whiskey Rebellion" in 1794. Again President Cleveland sent Federal troops to Chicago- against the wishes of the governor- to protect government property during the great railway strike.³

(2) The Legislative Branch of the Government.- As brought out previously, the powers of the three branches of government overlap. The vagueness of the Constitution invites clashes between the Legislative and Executive branches. Lincoln took several steps independent of Congress while Madison took few steps without specific direction of Congress. Actually Congress retains a potent check on the Executive branch which can be used when necessary. Congress has the authority to provide the means which the President requires to carry out a program. By withholding the means- money and implementing agencies- Congress can determine to a large extent the fate

1. Annex 3, No.5, page 246.
2. Annex 3, No. 7, page 50.
3. Annex 3, No.7, page 50.

of any particular program.

(a) Duties of Congress.- The Constitutional duties of Congress pertaining directly to national defense are contained in Section VIII of Article I. These duties include: providing for the common defense; the declaration of war when necessary; the power to raise, maintain, and make rules for the government and regulation of Armies and Navies; the power to provide for calling forth the militia and arming and equipping it; the power to appropriate money for the "common defense"; and the power to ratify treaties.

(b) National defense.- In providing for national defense Congress must perform several functions. First it must pass a law providing for a national defense agency. This was done initially in 1789 when Congress established the Department of War which included the Army and the Navy.¹ Over the years Congress has modified the military agencies and on 26 July 1947 it made a major change when it enacted the National Defense Act of 1947.² Congress stated that the intent of the Act was to provide "a comprehensive program for the future security of the United States." In order to assure that the President would have continual and readily available advice on the integration of domestic, foreign and military policies, Congress established the National Security Council which in turn was provided "intelligence" by the newly created "Central Intelligence Agency." Another important agency created by the Act was the National Security Resources Board which was established to provide the President with advice concerning the coordination of military, industrial and civilian mobilization. The National Military Establishment established under the Act provided for separate Departments of Army, Navy and Air Force as well as for other allied agencies. Congress specified that the Secretary of Defense would be appointed

1. Annex 2, par. 6, page 3.

2. Annex 2, par. 7, page 3.

from civilian life by the President with the advice of the Senate and provided additionally that the Secretary of Defense would be the principal Presidential assistant in defense matters. Congress, by this Act, established efficient machinery for the President to use in wartime but at the same time retained authority to regulate the operation of the military agency in peacetime. The second step which Congress must take is to provide the men for the Armed Forces and rules for their regulation. This requirement in the early days of the government was met by calling out the Militia and enacting numerous administrative acts. In 1948, Congress enacted the Selective Service Act of 1948 to meet fully the manpower requirements of the Armed Forces. Finally Congress must provide annually the money for the operation of defense agencies. In peacetime Congress has the time to examine carefully all legislation and consequently can perform its traditional function of acting as a "check and balance" on the Executive branch and a "watchdog" on the governmental bureaus.

(c) Declaration of War.- Under the Constitution only Congress can declare war. However after the attack of Pearl Harbor, the United States declaration of war was simply a formality. Similarly the President is empowered to pursue courses of action which probably could commit the United States to war and thus make a declaration of war a formality.

(d) Treaties.- The Senate is required to ratify treaties under the Constitution by a vote of two thirds of the membership present. The House of Representatives has a voice in treaty implementation by virtue of its appropriation functions. An example showing the relationship of Congress to treaty making is the North Atlantic Pact which involves the defense of several foreign governments as well as our own. The United States will be unable to implement the military portion of the Pact unless the Senate ratifies the treaty and Congress appropriates the necessary funds. The action of Congress on this Pact will have a tremendous influence on the security of the United States.

(3) The Judicial Branch.- Under Article III of the Constitution, the judicial power is vested in one Supreme Court and several inferior courts designated by Congress and extends into practically all phases of government. In relation to national defense probably the most important acts of the Judiciary relate to the interpretation of the Presidential powers as exercised by Lincoln. Otherwise and except for normal administrative edicts, the decisions of the Judicial branch have had but little effect on national defense.

d. Economic Policy and National Defense.- In the "Federalist," Alexander Hamilton in discussing the value of commerce with Great Britain made the statement that "a price would be set not only upon our friendship, but upon our neutrality." He stated further that "A nation despicable by its weakness, forfeits even the privilege of being neutral."¹ Hamilton was a firm believer in national unity and political and economic power. He thought economic policy should be an instrument of national power. He believed that the industries of a young and politically immature United States should enjoy the "extraordinary aid and protection of government"; and integrated national economy was essential; and the security of the United States was intimately connected with the prosperity of manufacturers. Every nation ought to possess the "essentials of national supply."² Alfred P. Sloan, Jr. stated that a weak defense can be based on a strong economy but a strong defense cannot be based on a weak economy.³ There is no question that our economic policies in Europe, in the near East, and in the world influence and are inseparably linked with our national security.

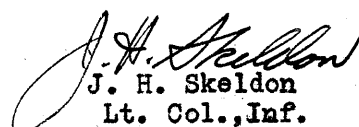
1. Annex 3, No. 1, page 163.

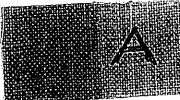
2. Annex 3, No. 9, page 131.

3. Annex 3, No 14, page 239.

5. CONCLUSIONS:- It is concluded that:

- a. The Constitution is the basis of American government.
- b. The American political system consists of a strong Federal type government whose powers under the Constitution are divided among the Legislative, Judicial, and Executive branches.
- c. State governments under the Constitution are legally equal, inviolable, and indestructible but they have a negligible role in the conduct of national defense.
- d. Political parties exercise considerable influence on the three branches of the Federal government.
- e. The Armed Forces maintained by the national government are the only active means of effective defense.
- f. The President is the head of government in time of peace and has the power to be practically a military dictator in time of war.
- g. Responsibility for determination of foreign policy is divided between the Executive and Legislative branches but the President has the dominant role; in carrying out his foreign policy the President can involve the nation in war.
- h. Congress is responsible: for establishing a national defense agency and for providing manpower and appropriations for national defense. As a result, Congress retains a potent "check" on the Executive branch.
- i. The Judicial branch has little effect on national defense.
- j. Economic policy influences and is inseparably linked with our national security.
- k. As set forth in the preamble to the Constitution, national defense is integrated with the other fundamental functions of the United States government and is implemented by both the Executive and Legislative branches of the Federal government.


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COMMAND AND GENERAL STAFF COLLEGE
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SUBJECT: National Defense - Its Place in Our Political System.

* * *

SCOPE:

1. The Constitution of the United States.
 - a. Prominence (especially when compared with the Articles of Confederation) of provisions relating to the "common defense".
 - b. Intimate association of the "common defense" with the "general welfare".
 - c. Importance of the President's powers as Commander in Chief of the Armed Forces and director of foreign policy.
2. The Federalist as a text book of national security.
3. Early constitutional decisions.
 - a. The armed forces.
 - b. The war power.
 - c. Power of the President to direct national strategy.
4. Economic policy as a factor in defense and security: Views of Hamilton and others.
5. "Security" in the American outlook.
 - a. Relation to nationalism.
 - b. Relation to national unity.
 - c. Relation to national prestige.
 - d. Opprobrium attaching to opponents of measures designed to promote national security.

HISTORICAL FACTUAL DATA

1. Second Provincial Congress.- In 1775, Massachusetts assembled the

"Second Provincial Congress" which in turn appointed a "Committee of Safety." This Committee "had authority to raise and support such a military force as it might deem proper to resist the execution of the acts of Parliament."

The military forces raised under this authority fought the battle¹ of Lexington on 19 April 1775.

2. Second Continental Congress.- The "Second Continental Congress" possessed the authority to create and support armies but had no authority to levy taxes or raise the revenue required to support the Army. This Congress functioned until 1778 and raised the men that fought the battle of Bunker Hill. (The "First Continental Congress" assembled in 1774 and made provisions to reassemble for the "Second Continental Congress" 5 June 1775)²

3. Declaration of Independence.- The Declaration of Independence reads in part as follows:

that these United Colonies...have full power to levy War, conclude Peace, contract Alliance, establish Commerce, and to do all other Acts and Things which Independent States may of right do.

4. Articles of Confederation.- These Articles provided for a "Confederacy of the States" called the "United States of America"³ and remained in effect from July 1778 until 1789. Each state retained its sovereignty and all other powers not specifically delegated to the United States.

a. Article 3 provided that "The said States hereby severally enter into a firm league of friendship with each other for their common defense..."

b. Article 5 provided that each state would have one vote in Congress.

c. Article 7 read:

When land forces are raised by any State for the common defense all officers of or under the rank of Colonel shall

1. Annex 3, No. 2, page 1.
2. Annex 3, No. 2, pages 3-9.
3. Annex 3, No. 2, page 30.



be appointed by the legislature of each State, respectively, by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment. ¹

d. Article 9 of the Articles of Confederation gave Congress the sole right and power to declare war. This article also provided that Congress: would appoint and commission all officers, other than regimental officers, in the service of the United States; would appoint a "Committee of the States" to act during the recess of Congress; would pay the cost of clothing, feeding, and equipping any Armies raised by the States; would make rules for the government and regulation of the land and naval forces; and direct "their operations"; would approve decisions only if nine States concurred. ²

e. Article 10 required that at least nine states assent to any action taken by "the Committee of the States."

f. Article 13 stated that the Union was perpetual.

5. The Constitution.-

a. The preamble of the Constitution lists as reasons for adopting the Constitution the necessity to "insure domestic tranquility, provide for the common defense," and to "promote the general welfare."

b. Section I, Article I states:

All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a Senate and House of Representatives.

c. Section 8, Article I authorizes Congress:

to provide for the common defense...; to declare War...; to raise and support armies...; to provide and maintain a navy...; to make rules for the government and regulation of the land and naval forces...; to provide for calling forth the militia...;

c. Section I of Article II prescribes that "The executive power shall be vested in the President of the United States."

e. In section 2, Article II, the President is designated as Commander in Chief of the Army and Navy of the United States and of the militia when in federal service. The same section authorizes the President to make treaties by and with the advice and consent of two thirds of the membership of the Senate present.

1. Annex 3, No. 2, page 30.

2. Annex 3, No. 2, page 31.

f. Article III establishes the judicial branch of the government, and vests the judicial power of the United States in one supreme court and in such inferior courts as the Congress from time to time may ordain and establish.

g. Section 4, Article IV provides:

The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence.

6. Organization of the War Department.-

a. By an act dated August 7, 1789, Congress created the Department of War and established the offices of the Secretary for (and Chief Clerk in) the Department of War. These officers were responsible to the President instead of Congress. The Secretary was directed to

perform and execute such duties as shall be entrusted to him by the President relative to...the land or naval forces, ships or warlike stores, of the United States. 1

b. The foundation of our Army was legally laid by the Act of September 29, 1789 which recognized "the establishment for the troops in the service of the United States." This act required all officers and men to take the oath of allegiance and vested in the President, for the first time, the power to appoint
2
officers.

c. In 1789, we divided the War Department into its Army
3
and Navy components.

7. National Defense Act of 1947.

a. The title of the Act reads as follows:

An act to promote the national security by providing for a Secretary of Defense; for a National Military Establishment; for a Department of the Army, a Department of the Navy, and a Department of the Air force; and for the coordination of the activities of the National Government concerned with the national security. 4

b. Section 2 reads:

In enacting this legislation, it is the intent of Congress to provide a comprehensive program for the future security of the United States; to provide for the establishment of integrated policies and procedures for the departments,

1. Annex 3, No. 2, pages 74-5.
2. Annex 3, No. 2, page 75.
3. Annex 3, No. 15, page 1.

agencies, and functions of the Government relating to the national security; to provide three military departments for the operation and administration of the Army, the Navy (including naval aviation and the United States Marine Corps), and the Air Force, with their assigned combat and service components; to provide for their authoritative coordination and unified direction under civilian control but not to merge them; to provide for the effective strategic direction of the armed forces and for their operation under unified control and for their integration into an efficient team of land, naval, and air forces.

c. Section 101 of Title I, in providing for "Coordination for National Security" establishes the National Security Council and States:

The function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the government to cooperate more effectively in matters involving the national security. 1

1. Annex 3, No. 15, page 1.

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