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THE IMPACT OF CONGRESSIONAL LEGISLATION ON UNITED STATES SPECIAL OPERATIONS CAPABILITY

BY

LIEUTENANT COLONEL STEVEN F. TOMHAVE

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USAWC MILITARY STUDIES PROGRAM PAPER

THE IMPACT OF CONGRESSIONAL LEGISLATION
ON UNITED STATES SPECIAL OPERATIONS CAPABILITY

AN INDIVIDUAL STUDY PROJECT

by

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U.S. Army War College
Carlisle Barracks, Pennsylvania 17013
31 March 1989

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THE IMPACT OF CONGRESSIONAL LEGISLATION
ON UNITED STATES SPECIAL OPERATIONS CAPABILITY

CHAPTER I

INTRODUCTION

Admiral William J. Crowe, Chairman of the Joint Chiefs of Staff (CJCS), at the activation of the United States Special Operations Command (USSOCOM) stated:

First, break down the wall that has more or less come between special operations forces and the other parts of our military, the wall that some people will try to build higher. Second, educate the rest of the military--spread a recognition and understanding of what you do, why you do it, and how important it is that you do it. Last, integrate your efforts into the full spectrum of our military capability.¹

Those three challenges were stated succinctly and simplistically by Admiral Crowe. But have those challenges been met? Does the US now possess a foundational special operations capability that can meet today's threat? Further, was Congress successful in legislating an organization for special operations that can meet today's threat across the spectrum of conflict?

Now that the dust has settled after the initial emergence of USSOCOM and two years as a unified command, we can look back and focus on the birth pangs of the command and assess major impacts. In so doing, perhaps there are

lessons to be learned by the United States (US) military in implementing Congressional legislation.

PURPOSE

This paper purposes to discuss the uniqueness of the legislation originating USSOCOM and to analyze specific interpretations by studying staff actions at Headquarters, Military Airlift Command (HQ MAC), the Air Force Special Operations Command (AFSOC) and USSOCOM. Underlying the discussion, the paper asserts that basic differences of interpretation affect assigning forces for combat. Additionally, the analysis will concentrate on a number of major benefits and shortcomings of the legislation and how these can affect the success or failure of future special operations. Because airlift assets play an instrumental role in Special Operations Forces (SOF) operations, the author will focus on significant airlift issues relative to SOF operations.

Initial discussion centers on perceptions of SOF by others. Additionally, the chapter establishes misperceptions as a basis for lack of action by military services. Discussion then deals with the necessity for Congressional legislation establishing USSOCOM. To place the USSOCOM legislation in perspective, Chapter IV discusses previous legislation dealing with Department of Defense (DOD) reorganization and why this legislation significantly

differs from previous reorganization efforts. With this background, Chapter V examines positive and negative impacts of the USSOCOM legislation. The final chapter reveals conclusions and recommendations.

ENDNOTES

1. James J. Lindsay, GEN, "The Quiet Professionals."
Defense 87, November-December 1987, p. 52.

CHAPTER II

PERCEPTIONS OF SPECIAL OPERATIONS

Before immersing into a discussion of the basic SOF legislation, it is important to describe the attitudes and environment within which SOF were working. This will establish the basic background in order to understand why SOF legislation was necessary.

One of the most disconcerting points about special operations has been the lack of understanding as to who or what is/are special operations. This one point is key to understanding any legislation dealing with it. In the movie "Butch Cassidy and the Sundance Kid," Butch and Sundance were being chased incessantly by a posse of expert lawmen. They could do nothing to shake them and kept asking the question, "Who are those guys, anyhow?" This illustration seems to apply to the Services and SOF as well. Even Admiral Crowe alluded to this question being prevalent. His first challenge was clear, "...break down the wall...the wall some people will try to build higher."¹ Obviously, even the most senior military leaders recognized the "problem of SOF" relative to the Services.

For years, the US military has failed to come to terms with numerous SOF-related questions. Who are SOF? What is

their mission? Who should have command control of them? Likewise, each military department was off in its own world on special operations and how to employ SOF. Definitions found in JCS publications and various Service publications are similar. This is not the real problem. Even though the definitions are close, the Service "perceptions" of SOF are different. "...the principal failing of special operations is simply that the Services...have little more than an intuitive sense of what those forces ought to be doing."² After all, each had its own way of doing business for years. "...the individual Services hold SOF to be peripheral to the interests, missions, goals, and traditions that they view as essential."³

These perceptions of SOF are key to parochial interpretations by Services and by major commands as well. Some would say, these perceptions are merely differences of opinion, but these differences run deeper than that.

...for a variety of reasons, SOF simply do not fit in the conventional military structure. Their operations do not square with the core imperatives of the individual Services and are, in fact, so different that there is little basis for understanding.⁴

Even though logic and common sense have broken through at times, the past, both prior to and after the Goldwater-Nichols (G-N) DOD Reorganization Act of 1986, has been wrought with misunderstanding and parochial views. These have had significant impact upon overall SOF capability. The probing question is, with the advent of

legislation to correct SOF capabilities, have these perceptions, understandings and parochialisms changed?

In conducting staff research for this project, the author noted varied perceptions, or misperceptions as the case may be, of SOF-related business. This business dealt with the entire spectrum of SOF-related staff actions from training issues to roles and missions, from SOF-unique aircraft acquisition to legislative interpretation, and from major command status to joint doctrine. Even though one could say work was progressing on SOF issues, the underlying tension of parochial command interests was quite evident. On some issues it was apparent subordinate headquarters had taken a position as mediator. This was especially true of AFSOC, much to their advantage. As a part of the airlift world on the one hand and the special operations world on the other, they have been able to relate to both sides of Air Force-unique SOF issues. AFSOC's role as mediator has kept issues such as SOF-unique training and airlift requirements in proper perspective. To date, they continue to "educate" both MAC and USSOCOM headquarters on various issues.

CONCLUDING REMARKS

In some respects, parochialism and perceptions have not improved since Congress implemented SOF legislation. On the other hand, since SOF legislation was implemented, Services

and commands have struggled to work within the legislative framework. They have either ignored the parochial attitudes and institutional perceptions, or circumvented them completely to solve certain issues.

ENDNOTES

1. Lindsay, p. 52.
2. Deborah G. Meyer and Benjamin F. Schemmer. "An Exclusive AFJ Interview with: Noel C. Koch Principal Deputy Assistant Secretary of Defense International Security Affairs." Armed Forces Journal International. March 1985, p. 40.
3. Dan Daniel. "US Special Operations: The Case for A Sixth Service," Armed Forces Journal International. August 1985, p. 72.
4. Ibid.

CHAPTER III

LEGISLATION NECESSITY

Initially, there were strong objections by both the DOD and the Administration to special operations legislation. The Congressional Legislative History states, "...the conferees determined that legislation is necessary to overcome the unending resistance in the Department of Defense to necessary organizational and other reforms of special operations forces."¹ Even Senator Sam Nunn was decidedly against legislative steps. He believed DOD should have developed their own fix.²

It was clear by the stormy history of US special operations and the current world military threat, there was a need for US national military strategy to focus on something more than strictly conventional and nuclear strategies. Special operations forces (SOF) additions to the Fiscal Year (FY) 1987 National Defense Authorization Act (Public Law 99-661) were a direct attempt by Congress to remedy deficiencies in US SOF capability. Specifically, Congress expected these actions to solve US SOF capability to conduct special operations across the spectrum of conflict, including low intensity conflict (LIC).³

SIGNIFICANT HISTORICAL EVENTS

One must go back a number of years to capture a lost sense of mission for special operations forces to see why the SOF legislation was necessary. Perhaps the early 1960s is a starting point.

By the 1960s, the threat of global war had subsided, but a new challenge--so-called "wars of national liberation"--took its place. President John F. Kennedy, recognizing the need for a new kind of strategy and a different kind of force, became the champion of special operations forces, and the Army, Navy and Air Force components grew and evolved rapidly--in retrospect, perhaps too rapidly.⁴

Throughout the Vietnam conflict, US Special Forces units enjoyed excellent credibility although subsumed in great degree by large conventional operations. After the war, public opinion and national strategy focus began to shift to the Soviet Union as "the" major threat. This instigated a long, sharp decline in SOF.

Four of seven active special forces groups were deactivated between 1969 and 1974, and a fifth was nearly deactivated late in the decade. The number of Air Force special operations forces aircraft was cut by 95 percent--most of them retired to the 'boneyard' at Davis-Monthan Air Force Base, Ariz., since they had little utility within the conventional force structure.⁵

This left the special operations forces relegated to a minor military role, if any, based on the stated threat to US national security interests.

But in November 1979, the all too familiar and devastating attack on the US embassy in Tehran, Iran,

occurred. The subsequent hostage ordeal and finally, the fiasco at Desert One, 25 April 1980, opened the eyes of many to the need for a coordinated effort in the special operations business.

Not until President Reagan took office in 1981, was there any movement to rekindle what had once been a solid, credible force into a force which could deal with a new, more dangerous threat. In the aftermath of Desert One, restructuring and rebuilding was proceeding at a snail's pace. Only a headquarters known as the Joint Special Operations Command (JSOC) existed at the time of the Iranian Ordeal.⁶ In 1983, the JCS put forth a meager effort to remedy special operations organizational problems by proposing the Joint Special Operations Agency (JSOA) headed up by a two-star general. However, any success of the JSOA was negated by the lack of high-level proponentcy. JSOA productiveness was shortlived even though much of the work accomplished many considered to be of excellent quality.⁷

Operation Eagle Claw (Iranian Rescue Attempt) and the disaster at Desert One were catalysts. However, the results of the Grenada rescue operation, in this author's opinion, "sealed the coffin" with the last nail. Although eight out of ten strictly special operations missions were considered successful, the deficiencies were glaring.⁸ The overall lack of coordination, command and control, valid intelligence and credible SOF use involved with the total

operation proved only to highlight significant joint and special operations shortfalls. In essence, it advertised to high-level officials the need to correct a deficiency more quickly than was currently proceeding within military and DOD channels.

Two significant Congressional testimonies by prominent DOD officials brought additional light on SOF shortfalls. The first was a letter to several Congressmen by Noel C. Koch, a former DOD official with responsibility for special operations and counterterrorism. The second was testimony by Major General Richard Scholtes, Commander, JSOC, during the Grenada operation. Both of these testimonies are highlighted in the Henry L.T. Koren, Jr. article "Congress Wades into Special Operations." This produced an increased fervor to correct special operations deficiencies. These included the issue of enhancing SOF airlift which was later mandated by Congress for the FY 87-91 Five Year Defense Plan (FYDP). There was no doubt, at this point, special operations legislation was necessary. "The final legislation was the result of congressional frustration over perceived resistance by DOD to meaningful improvement of SOF, and was unusually specific in its language."9

Even after passing legislation, DOD initiative left much to be desired. According to a few Congressmen, DOD was still doing everything in their power to prevent the legislation from being implemented. A March 1987 letter to

Secretary of Defense Weinberger from Congressmen Hutto, Daniel and Kasich is an excellent example of the Congressional perception of DOD inaction. The letter was in response to the 1987 SOF Reorganization Report presented to Congress. Excerpts follow:

...the only inference to be drawn from the report is that there continue to be elements within the Department of Defense who will resort to almost any ploy...in order to delay, harass, cannalize and frustrate successful implementationMajor Force Program 'Eleven,' mandated in the law, is conspicuous in its absence. Thus, the one mechanism designed to uncover fiscal deceit and trickery, and to expose it to both you and the Congress, is missing.10

CHANGING STRATEGY

As cited earlier, our national strategy evolved over the years based on what was perceived as the most significant threat to our national security interests. As the threat changes, so goes the US military force structure. The basic American philosophical mindset is on a day-to-day basis. The US focuses on short-term problems and solutions rather than projecting into the future 20 years. In a July 1988 interview, General Duane H. Cassidy, Commander in Chief (CINC) US Transportation Command (USTRANSCOM), made the following comment in regard to force structure:

...when General Secretary (Mikhail) Gorbachev came over here to talk to President Reagan, he could predict very, very closely what his force structure is going to be in the year 2000. 1

don't think our President, with the present method of doing things, could predict what his force structure is going to be in 1990.11

The US watched the force structure swing in the late 1960s and back again in the 1970s. U.S. Representative Dan Daniel explains the SOF swing quite clearly.

The "boom" of the early 1960s when SOF, at urging of President Kennedy, were rapidly expanded, was followed by a devastating "bust" in the 1970s. Funding was cut by 95% and a list of SOF units too long to recount was deactivated. In short, the Services will respond to external pressure to develop a special operations capability if pressed, but would otherwise prefer not to. Currently, they are responding, generally well, to the Reagan Administration's priority on SOF. The question is, how long will the current fervor last?12

By the late 1970s and early 1980s, the tide had once again, turned in favor of special operations forces. Former Secretary of Defense, Frank Carlucci, put it this way with respect to the threat:

Since the end of World War II, ambiguous aggression in the form of low-intensity conflict (LIC) has become an increasing threat to our interests, as well as those of our allies and friends. Although these insurgencies, counterinsurgencies, attempts at subversion, and acts of terrorism do not approach the magnitude of the Soviet threat, they represent the principal form of conflict in the world today, and will likely remain so in the foreseeable future.13

In this author's opinion, the key phrase in Carlucci's statement is "the principal form of conflict in the world today...." Consequently, US forces are geared to that threat--at least for now.

Unfortunately, these major swings in SOF force structure have reaked havoc within the services and stifled numerous efforts to upgrade SOF forces.

"...notwithstanding DoD's high priority for SOF, MAC's priorities for funding SOF programs have fallen. New MC-130 Combat Talon II aircraft...ranked 50th in priority on MAC's FY86-90 POM (Program Objective Memorandum, or proposed five-year budget) but 61st in its FY 87-91 POM. In February, the new MC-130s fell to 65th...covering FY88-92...."14

The basic reason for priority setbacks has been the lack of a SOF proponent to fight for major force improvements, upgrades and programs. Before the force can get organized when a strategy change swings their way, the pendulum begins to swing the opposite direction. Without proponency, the strategy emphasis alone has kept SOF reaping little benefit over the past 20 years with SOF programs taking major setbacks. According to U.S. Representative Dan Daniel, the lack of SOF advocacy has "led to a boom-or-bust cycle where one Administration will boost SOF and another overlook them...."15

SOF-unique airlift programs, have been the most severely constrained. With 95 percent of special operations aircraft scrubbed from the Air Force inventory after Vietnam, the US has never fully recovered from that errant decision. Recently, USSOCOM and MAC have attempted to place greater priority on SOF airlift requirements.

CONCLUDING REMARKS

These, then, are the basic reasons for correcting SOF deficiencies by legislation: poor SOF operational performance, strategy focus and lack of proponentcy. These three reasons place the responsibility for action in three areas: the Presidential Administration, Congress and the US military. Unfortunately, those most likely to gain were "dragging their feet." DOD indecision became the prime reason for Congressional action.

ENDNOTES

1. "National Defense Authorization Act For Fiscal Year 1987." in United States Code Congressional and Administrative News, 1986, Vol. 6, p. 6592.
2. Michael Ganley and Benjamin F. Schemmer. "An Exclusive AFJ Interview with Senator Sam Nunn, Ranking Minority Member of the Senate Armed Services Committee." Armed Forces Journal International, July 1986, p. 48.
3. Henry L.T. Koren, Jr., "Congress Wades into Special Operations," Parameters, December 1988, p. 62.
4. Lindsay, pp. 49-50.
5. Ibid, p. 50.
6. Daniel P. Bolger, "Special Operations and the Grenada Campaign," Parameters, December 1988, p. 53.
7. Gerald J. Uttaro, LTC, and Gary C. Vycital, LTC, USAF Special Operations Forces (AFSOF): A Road Map Into the Future, pp. 42-43 (hereafter referred to as Road Map).
8. Bolger, p. 55.
9. Koren, pp. 72-73.
10. Earl Hutto, Dan Daniel, and John R. Kasich. U.S. House of Representatives, letter to Secretary of Defense Caspar W. Weinberger, 11 March 1987.
11. "'Talented People...Working Together'," Sea Power, July 1988, p. 23.
12. Daniels, p. 72.
13. Frank C. Carlucci, Report of the Secretary of Defense Frank C. Carlucci to the Congress on the Amended FY 1988/FY 1989 Biennial Budget, 18 February 1988, p. 24.
14. Deborah G. Meyer, "Congressional Pressure May Force Far More DoD Dollars for Special Ops," Armed Forces Journal International, April 1986, p. 20.

15. Michael Ganley, "Rep. Daniel's Bill Would Create a Special Operations Agency for SOF," Armed Forces Journal International, August 1986, p. 13.

CHAPTER IV

UNIQUENESS OF SOF LEGISLATION

So much has been regurgitated about the Goldwater-Nichols (G-N) Department of Defense (DOD) Reorganization Act of 1986 and subsequent amendment action, it almost boggles the average mind. Since becoming public law in October 1986, not only has there been a major focus on certain aspects of the basic act, i.e., "jointness," but the SOF amendment interpretation as well.

To comprehend the differences in interpretation and the uniqueness of USSOCOM legislation, it is important to review previous reorganization legislation. Two basic Congressional acts, the National Security Act (NSA) of 1947 and the DOD Reorganization Act of 1958 set legislative precedence. The G-N Act added a new authoritative dimension by significantly increasing combatant commander's authority, including US Commander-in-Chief Special Operations Command (USCINCSOC). Additionally, focusing on certain aspects of previous Congressional action further amplifies the uniqueness of the USSOCOM authority.

LEGISLATION

The first act which highlights SOF legislation uniqueness is the NSA of 1947. Prior to enacting this legislation, the US military worked under the auspices of two military services, the Army and Navy. World War II focused attention on airpower as a major force to reckon with in modern warfare. This, in conjunction with the need for unification in military operations, led to the NSA of 1947.

In addition to providing for three separate services and other basic policy guidance, the act provided "that each military department shall be separately organized under its own Secretary and shall function under the direction, authority, and control of the Secretary of Defense."¹ Furthermore, it provided "for the establishment of unified and specified combatant commands, and a clear and direct line of command to such commands...."²

Each Military Department was given the tasks of organizing, training and equipping the forces of their respective departments. It seemed clear, the military departments would, after initial preparation and training, assign forces to the combatant commands. "The responsibility for their support and administration would be assigned by the Secretary of Defense to a military department."³ This statutory point is essentially reversed in the case of USSOCOM, and only USSOCOM. Now USSOCOM, as a

combatant command, has been given roles and missions that have been statutorily reserved for the military departments. (See Chapter V.)

Amendments to the NSA of 1947 enacted in August 1949 provided for a strengthened JCS and the position of CJCS.⁴ But it was not until the DOD Reorganization Act of 1958 that major changes were proposed and enacted changing the line of authority "from the President to the Secretary of Defense, whose orders would be issued to the unified commands through the Joint Chiefs of Staff..."⁵ contrary to statute (National Security Act of 1947).⁶ This lone directive caused major confusion over the years. According to their statutory role as established in 1947, the JCS were not in the operational chain of command.

The G-N DOD Reorganization Act of 1986 clarified the operational chain of command. It clearly states the operational chain of command runs from the President to the Secretary of Defense to the combatant commanders. A provision of the act allowed the President to authorize communications through the CJCS which was exercised in DOD Directive 5100.1, 25 September 1987.⁷

Furthermore, the act outlined and increased the authority of the combatant commanders. Command authority was increased in several ways, but most importantly, was the unified commander's authority to identify war-fighting needs directly to the National Command Authority (NCA) and the

CJCS, who also was given significant authority under the G-N legislation. The combatant commander's new authority allowed them to keep their distance from respective Service chiefs.⁸ This indicated a distinct shift in power base from the Services to the combatant commanders.

How effective this new given authority is remains to be seen. Only two budget cycles have been initiated and completed since enactment. Early indications are mostly positive. Unfortunately, budget constraints have produced an abnormal effect on the success of war-fighting commanders achieving major program successes. However, USCINCSOC has been extremely effective in "politicking" to replace SOF programs initially "axed" due to Congressional budgetary cuts during the FY 1989 military budget deliberations. Using his new authority to access the Secretary of Defense, directly contributed to his success.

CONCLUDING REMARKS

Past legislation has played an important role in molding US combatant command relationships. In the case of USSOCOM, the command comes on board with significant authority, in fact, even more than other unified and specified commands. These changes of command lines and authority within the DOD structure open a discussion of

positive and negative impacts of the SOF legislation in the next chapter.

ENDNOTES

1. U.S. Joint Chiefs of Staff, JCS Pub. 2, Unified Action Armed Forces (UNAAF), December 1986, p. 1 (hereafter referred to as UNAAF).

2. Ibid.

3. U.S. Armed Forces Staff College, The Joint Staff Officer's Guide 1988, AFSC Pub 1, July 1988, p. 42 (hereafter referred to as AFSC Pub 1).

4. U.S. Joint Chiefs of Staff, Organization and Functions of the Joint Staff, JCS Admin Pub 1.1, 1 October 1988, p. 1-3.

5. Ibid.

6. AFSC Pub 1, p. 43.

7. U.S. Department of Defense, DIRECTIVE 5100.1, Functions of the Department of Defense and Its Major Components, September 25, 1987, pp. 1-3.

8. James W. Canan, "New Clout for the CINCs," Air Force Magazine, June 1988, p. 42.

CHAPTER V

POSITIVE AND NEGATIVE IMPACTS OF THE LEGISLATION

In passing the USSOCOM legislation, Congress established a myriad of legal precedence. This one piece of legislation was the most unique and specific legislation ever compiled by Congress relating to a unified command's roles and missions. Much of it has provoked controversy. But overall, it focused on a more streamlined SOF. This chapter purposes to discuss the positive and negative aspects of enacting legislation of this type.

POSITIVES

For the purposes of this paper, two positive aspects of this legislation are clear: force the DOD to get off "top-dead-center" on organizing SOF under one command and to promote a joint environment within the SOF community.

It appeared everyone believed there was a need to revitalize SOF after Operation Eagle Claw and Desert One. Support for the revitalization included the Reagan Administration through policy statements, DOD officials placing national urgency tags on SOF and Congress by funding 12 MC-130 Combat Talon aircraft.¹ The JCS-commissioned

Special Operations Review Group (SORG) report clearly outlined major issues needing correction if US joint SOF operations were to be successful in the future.² With this exception, the military wrestled with reorganization, by conducting SOF studies and putting forth a general lack of priority effort.³

The G-N SOF amendment action process took several months. During that time, DOD "officials have fought passage of the bill at every step in the process..."⁴ Even though this was the norm, the knowledge of SOF legislation on the Congressional "front-burner," kept DOD and the military departments moving towards solution. The Congressional process of "keeping the heat on" was partially successful but still did not produce results to their liking. But the final legislation forced results.

With Service perceptions of SOF being so different and Service SOF units so individualized, unification and joint operations appeared to be a solid solution. One of the key actions of the SOF legislation centered on the need for joint SOF doctrine. The legislation specifically charged USSOCOM with responsibility to develop SOF doctrine, tactics and strategy.⁵ As an example of the poor SOF doctrinal state, Air Force special operations doctrine, Air Force Manual (AFM) 2-5, was almost 20 years old when the legislation became law. Since then, AFSOC has written a new draft publication, AFM 2-X, USAF Aerospace Operational

Doctrine, Special Operations. Unfortunately, little is currently being accomplished due to a lack of overall joint SOF doctrine, i.e., JCS publications, being completed.⁶

Things are not much better in the Army. Although the focus is on Field Manual (FM) 100-5 which lays out general SOF doctrine, other publications dealing with SOF employment are delayed pending an operational concept for command and control of SOF.⁷

Regardless of perceptions, slow but steady, progress is being made. Much still remains to be accomplished but this is one area where action must be deliberate since established doctrine will provide "a stable body of operational and tactical principles rooted in actual military experience and...capable of providing a long-term foundation..." for SOF operations.⁸

Another area which had a positive impact on SOF capability was the legislated Major Force Program (MFP) 11, Special Operations Programs, within the FYDP. This single issue clearly had major impetus for SOF program priorities and funding. With MFP 11, SOF programs, although small in overall comparison with other FYDP priorities, compete for priority only among SOF programs, not among the myriad of other Service programs.

...with a total SOF budget of only three-tenths of one percent of the defense budget, "SOF issues are rarely of sufficient magnitude to warrant consideration within an established procedure," even though SOF represent "almost

95% of the usable military capability available to the President at any given time."9

In essence, when competing for considerably smaller dollar amounts, it made it easy for the Services to consistently cut SDF programs. Ambassador Charles Whitehouse, Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD SO/LIC), recently stated, SDF programs "were always at the mercy of the fashion of the day and the whims of the services. Now we have the assurance of financial support and the authority of command..." to control their own fate.10 With its own MFP, USSOCOM essentially has fiscal independence from individual military services to form its own budget proposals.

Implementing this newly established fiscal authority has not come easy for USSOCOM. Just breaking into the established military programming, budgeting and execution system is a monumental task in itself. To do it without the personnel resources or specific guidance to achieve that goal is another matter. USSOCOM was essentially left on its own not only to implement the legislative direction, but to develop interim measures for MFP 11 management. USSOCOM would be responsible for making the necessary budget submission for FY 1992.

Currently, Services program, budget and execute funding for SDF-unique programs managed in MFP 11. Additionally, Services identify and report on MFP 11 programs separately during programming, planning and budgeting actions. Any

reprogramming must be approved by the SECDEF or Assistant SECDEF in coordination with the ASD SO/LIC who consults with USCINCSOC.11

As a result of USSOCOM management options proposed to SECDEF, USSOCOM was given full responsibility to prepare its own Program Objective Memorandum and to execute its own budget--a unique first for a unified CINC.12

NEGATIVES

As stated previously, one of the major intentions of the G-N DOD Reorganization Act and subsequent amendment action was to promote a sense of jointness within DOD. For the most part, it has done just that; however, with respect to special operations staff actions, the effect was initially just the opposite. The legislation tended to exacerbate parochialism and turn good intentions to "putting out fires." Regardless of the predictions of the success of the new legislation and the new command, there continues to be an underlying feeling of mistrust among the services.

As professional officers we have a healthy skepticism...We know that change to an organization as large as DOD takes place only over time, and then only with the acceptance and cooperation of the component organizations involved. It is a simple but seemingly unalterable fact of organizational behavior that large organizations can effectively resist change if they choose to. The history of DOD is replete with such examples.13

In no recent case is this better exemplified than with the activation of USSOCOM and specifically, its dealings with the Military Airlift Command and the control of airlift assets in support of special operations. In the aftermath of the legislation, a considerable number of command arrangement agreements (CAA) have had to be agreed upon. But initial barriers were quickly built because of a lack of understanding of command missions, of legislated authority and primarily because of over-zealous staff officers seeking to move too quickly. One CAA dealt with the use of Special Operations Low Level (SOLL) II aircraft.¹⁴ Those aircraft had to be used in support of SOF as well as fulfill strategic airlift requirements both in peace and war. This one issue brings many of the negative aspects of the legislation to light.

Although Title 10, US Code, Section 167(b) was specific on the assignment of forces that would be assigned to the new command, it did not deal with augmentation airlift forces. "Unless otherwise directed by the Secretary of Defense, all active and reserve special operations forces of the armed forces stationed in the United States shall be assigned to the special operations command."¹⁵ This seemed to be a neat, clean package. However, believing this included SOLL II aircraft, USSOCOM proposed a change to the "Forces For" document. HQ MAC balked. The proposal suggested 13 C-141s and 11 C-130s, to be SOLL II-modified.

come under their operational command. These aircraft, according to USSOCOM, would be flown by the nine SOLL II C-130 and C-141 qualified aircrews currently required by planning documents.¹⁶ According to USSOCOM, the key objective of SOF legislation was centralized management of SOF, including airlift forces in support of SOF.¹⁷

Title 10, US Code, Section 167(i) identified the forces listed in Annex E of the Joint Strategic Capabilities Plan (JSCP) as SOF-unique forces and directed they be assigned to USSOCOM. However, unclassified information in Annex E, JSCP stated, "Elements of the following USAF units with a primary mission other than SO (Special Operations) are trained and equipped to conduct or support SO."¹⁸ Here the document listed elements of units, but the list included only MAC SOLL aircrews, not aircraft. Further, Annex J to the JSCP apportions all 234 C-141 primary authorized aircraft (PAA) for strategic lift.¹⁹

A clear disparity had surfaced. Whereas SOF legislation seemed to be specific in assigning forces, it obviously did not go far enough in dealing with specific forces, i.e., strategic and tactical airlift aircraft used to support SOF. To place the aircraft, as outlined above, under the operational command of USSOCOM, could have significant impact on meeting wartime airlift requirements. These aircraft would represent a two percent loss in strategic airlift capability and a two percent loss in

tactical airlift fleet capability. Additionally, the C-130 aircraft represent a 24 percent loss in Adverse Weather Aerial Delivery System (AWADS) airdrop capability. This translates into lost capability for warfighting CINCs.²⁰

Controversy over the control of operational assets revealed another basic deficiency in the legislation. If USSOCOM took operational command of the SOLL II augmentation forces, they in turn would be required by the legislation to train them. Title 10, US Code, Section 167(e) identifies "training assigned forces" as a major USSOCOM function. USSOCOM's perspective on training responsibilities included and extended

beyond those previously held by the Services...The Command's responsibility for a trained ready force includes selection, qualification, and advanced training of SOF--all previously Service responsibilities--as well as the development of doctrine and standards against which its forces are measured.²¹

For SOLL II airlift aircrews, this is a complex and time consuming process. From experience, it requires approximately 50 months to "grow" a SOLL II aircraft commander. Additionally, an unofficial MAC study in the early 1980s indicated approximately 44 airdrop qualified aircrews were necessary to sustain only nine SOLL II qualified aircrews. Since MAC SOLL II aircrews are the most experienced aircrews, developing/activating a unit strictly devoted to SOLL II operations in support of SOF would have major impact on US airlift capability.²² Further, sustaining

this force would mean a major logistics force reorganization. Without the sustainment infrastructure, readiness of the unit would be impossible.

The above comments reveal a final, underlying problem for discussion. Since the National Security Act of 1947, the traditional roles and missions of the military departments have been "organizing, training and equipping" the forces for assignment to the unified combatant commands.²³ SOF legislation specified two of the three statutory functions of the military departments to be accomplished by USSOCOM. They are training and equipping. The function of organizing can be inferred in the lead in comment in Section 167(e) "...the commander of the special operations command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to special operations activities...."²⁴

This ambiguity between sections of the US Code not only reflects a lack of attention to detail by Congress, but sends the wrong message to the military departments and combatant commanders. USCINCSOC was given authority traditionally and statutorily reserved to the military departments. It is now incumbent upon the military departments to reassess their place in DOD business. USSOCOM's legislated authority may be setting the wrong precedent.

CONCLUDING REMARKS

The above discussion reflects just a few of the positive and negative impacts of the USSOCOM legislation. Understandably, any legislation has advantages and disadvantages, proponents and opponents. Two years have passed. What is apparent now is that even after the long legislative debate, Congress may have fallen into the same quagmire the military has been attempting to sort out for years. SOF business is difficult, hard to define and reveals much more than expected when you scratch the surface.

ENDNOTES

1. Road Map, pp. 40-48.
2. Rescue Mission Report, 23 August 1980, p. iv.
3. Road Map, pp. 40-48.
4. Michael Ganley, "DoD Reorganization Awaits Reagan's Pen After Compromise Bill Clears," Armed Forces Journal International, October 1986, p. 21.
5. "Armed Forces" in U.S. Laws, Statutes, etc. United States Code, Title 10, 1982 Edition, Supplement IV, 1987, p. 739 (hereafter referred to as USC).
6. U.S. Special Operations Command, Joint SOF Baseline Master Plan (U), 1 July 1988, Annex D, pp. 3-4. SECRET/NOFORN (hereafter referred to as SOF Master Plan).
7. Ibid.
8. Ibid., p. 10.
9. Ganley, "Rep. Daniel's Bill," p. 13.
10. "Special Operations to Gain Control of Its Own Budget," Army Times, 20 February 1989, p. 27.
11. U.S. Special Operations Command draft proposal to ASD SO/LIC, "Options for Managing Special Operations Forces (SOF) and Low Intensity Conflict (LIC) Programs," 12 January 1989.
12. Ibid.
13. Don M. Snider, "DOD Reorganization: Part I. New Imperatives," Parameters, September 1987, p. 88.
14. SOLL II aircraft (C-130 and C-141) and aircrews are trained to conduct low-level flight in a low-threat environment during visual meteorological conditions. SOLL II qualification includes the use of night vision goggles for landing and during airdrop missions during combat conditions.
15. USC, p. 739.

16. U.S. Military Airlift Command, Directorate of Plans and Programs, Talking Paper on C-130 and C-141 SOLL II, (hereafter referred to as HQ MAC Talking Paper).

17. SOF Master Plan, Chapter 3, p. 10.

18. HQ MAC Talking Paper.

19. Ibid.

20. Ibid.

21. SOF Master Plan, Chapter 3, p. 3.

22. HQ MAC Talking Paper.

23. UNAAF, p. 3.

24. USC, p. 739.

CHAPTER VI

CONCLUSIONS AND RECOMMENDATIONS

In the previous discussion, the focus has been on the impact Congressional legislation has had on US special operations capability. This chapter draws conclusions from the material presented and then establishes recommendations for consideration by Congressional and military staffers in similar situations in the future.

CONCLUSIONS

Five conclusions surface for reader consideration:

1. The Congressional decision to focus attention on SOF by implementing USSOCOM legislation was a positive move. One of the key purposes of the G-N DOD Reorganization Act was to promote joint action and operation among the US military services. The USSOCOM amendment supported this key purpose.

2. The DOD reorganization, and specifically the military departments, were forced to place a higher priority on SOF operations and programs. Funding of major programs through MFP 11 result in major successes in force modernization, equipment upgrade and newly initiated

programs. The current FYDP includes over \$5 billion in SOF funding.

3. Even though Congress studied and analyzed the subject of SOF for a considerable length of time through Congressional staffers, hearings and testimonies, it is evident there are significant drawbacks to the legislation. Points not addressed, or too generally addressed, were operational command of airlift assets, related training of SOF personnel, and apparent disparities in statutory "roles and missions" of military departments vis-a-vis USSOCOM.

4. As a result of legislative shortsightedness, military staffs have had to focus inordinate attention on "accommodating" the legislation into an already established military command structure. The result has been a CAA with numerous annexes covering a multitude of subjects, the first being an agreement between USSOCOM and USTRANSCOM concerning SOLL II augmentation airlift.

5. A cohesive perception or understanding of just what SOF are and do is still not a reality. Regardless of the monumental legislative and educational effort to reverse this enigma, parochial Service and command attitudes are alive and well. USSOCOM has not achieved the goals set forth in Admiral Crowe's challenges. But the blame cannot be placed entirely on USSOCOM. Other Services and major commands have instinctively resisted positive efforts toward

a joint attitude. Certainly, progress is being made, but there is a long way to go.

RECOMMENDATIONS

This author offers the following recommendations for consideration from the above conclusions:

1. When Congress contemplates major legislation dealing with military capabilities, Congress simply must include a concerted effort to assess impacts on the established military way of doing business and then incorporate findings/corrective actions into the legislation. Congress should actively seek military advice from all concerned departments to include assessing potential impacts to existing practices and procedures, and a thorough review of existing planning documents. Full participation by military officials should be sought out and encouraged to produce the best possible legislation producing the least amount of turmoil after implementation.

2. The DOD organization, including the US military departments, must address attempts by Congress from a positive and objective viewpoint. Heads of military departments must reel in opinion and rumor setters to allow objectivity to prevail. Attitudes that include stifling and stonewalling proposed legislation must be discouraged.

3. Major commands must lay aside parochial attitudes which exist prior to proposed legislation. This will ensure expertise is focused on assessing current capabilities and implementing legislated improvements to produce an improved, overall force capability.

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