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THE NATIONAL SECURITY ACT
A BLUEPRINT FOR THE CONGRESSIONAL ROLE IN
WEAPONS DEVELOPMENT: A CASE STUDY OF THE
B-70 BOMBER

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THE NATIONAL SECURITY ACT
A BLUEPRINT FOR THE CONGRESSIONAL ROLE
IN WEAPONS DEVELOPMENT:
A CASE STUDY OF THE B-70 BOMBER

A thesis submitted to the Graduate School of the
University of Wisconsin-Madison in partial fulfillment of
the requirements for the degree of Doctor of Philosophy

BY

DENNIS MARK SHERMAN

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PART I

CHAPTER ONE

A CASE FOR THE CONGRESSIONAL-EXECUTIVE IMBALANCE OF POWER TO PROVIDE FOR THE COMMON DEFENSE

Introduction and Statement of Purpose

This study addresses the continued and current debate over the proper responsibilities of the President and of Congress in "providing for the common defense." The major proposition advanced here is that the Congress partially surrendered to the Executive Branch its constitutionally imposed responsibility to provide for the common defense -- most specifically its responsibility to establish policy and provide funds for weapons for the armed forces.

My first and immediate task then is to make clear that the Constitution does impose a responsibility on the Congress in this area. A strong, albeit not definitive argument can and will be advanced to suggest that the Constitution could be interpreted as delegating to the Congress exclusively, powers to establish policy and provide funds for military weapons. The weight of

historical evidence however, would not support such an interpretation; rather it would demonstrate that the authority and power to establish weapons policy has been shared by the Congress and the President. Whether the Congress had exclusive responsibility or shared that responsibility with the President is not the point to be argued here. It will be enough to establish the fact that Congress does have a substantial responsibility in this area imposed by the Constitution and that the Constitution does not provide the President with exclusive or even dominant power to establish weapons policy.

The second task is a much more difficult one. I must show how and explain why the Congress surrendered to the Executive Branch much of its responsibility for establishing weapons policy. I will argue that the Congress explicitly surrendered powers initially through legislation which began with the National Security Act of 1947 and continued with amendments to that Act each of which increased the authority of the newly created institutions at the expense of Congress. Stated differently, this study will argue that the grants by Congress of legal authority to the Secretary of Defense (via The National Security Act of 1947 and the several amendments to that Act) were significant political resources which were used

by the Secretary of Defense and the President to increase their control over critical decisions concerning the development of military weapons systems. It will be further argued that the same legislation, while severely reducing congressional influence and participation in critical decisions concerning weapons systems development, also preserved and insured (and perhaps even reinforced) the congressional function of "spokesman" for the military services by preserving the right of unimpeded access by the military to Congress. By "spokesman" I mean that the Congress championed the military's position on the need for weapons systems, particularly when the President and Secretary of Defense were opposed to such weapons. I will argue that at least a partial explanation of the willingness of Congress (especially the Armed Services Committees of both Houses) to be a spokesman for military interests, and their steadfast refusal to relinquish that function, was a desire to maintain a source of information on military weapons development which was independent of the civilian leadership of the Department of Defense.

These contentions should not be taken to imply that Congress when enacting the National Security Act of 1947 was fully cognizant that it was surrendering its power and authority to the Executive Branch or that Congress is

satisfied with its reduced and restricted influence in the decision-making process of military weapons policies. Rather, it will be argued that the reduction in congressional authority was an unintended consequence of efforts to enact legislation unifying the military services to meet three major objectives: economy and efficiency in government spending; creation of an autonomous air force; and coordination of the armed services. Enacting such legislation necessitated a good deal of political bargaining and compromise, resulting in legislation which fell far short of the stated objectives. As the Congress enacted revisions to the original National Security Act of 1947 in order to achieve the objectives of the legislation, it surrendered more and more of its own influence and authority.

In the post World War II period much has been witnessed and written to suggest that Congress has lost its status as a co-equal branch of government with the executive, particularly in matters concerning foreign and military policy. The constitutional authority of Congress to establish policy and provide funds to procure weapons for the military forces is only one aspect, however significant, of the more general topic concerning the proper distribution of authority between the President and

Congress in "providing for the common defense." Recent American involvement in Indochina seems to have focused attention on another aspect of the same general issue, namely: does the President have unilateral authority to commit the armed forces of the United States to a foreign conflict? Is this the sole prerogative of Congress, or is the authority shared by the President and Congress? The Congress addressed itself to this question with the passage of the War Powers Act of 1973 in the first session of the 93rd Congress. In doing so, the Congress indirectly spoke to the more general issue of the proper responsibilities of the President and Congress in "providing for the common defense." Similarly, this study, by focusing on the issue of the congressional responsibility to provide weapons to the armed forces, will address itself indirectly to the more general debate of proper responsibilities. While there will be a discussion in this first chapter of a representative sample of literature charging a diminished congressional role in foreign and military affairs, its purpose will be only to determine what explanations have been offered to account for Congress' declining influence and to establish credibility for my more restricted charge that Congress' influence has declined vis-a-vis the executive in critical decisions

concerning weapons development and procurement policies. It should be clear that while I am sympathetic to the charge that Congress has indeed suffered a decline in power and influence relative to the Executive Branch in the post World War II period in matters concerning foreign and military policy, I am not assuming that that is the case. Rather I will demonstrate the validity of my more restricted proposition. In short, this study is confined to a particular issue and a specific time frame. The issue is the degree of influence Congress exerts vis-a-vis the Executive Branch on critical decisions concerning military weapons policy. The time frame is post 1947.

This study will trace the Congress' declining influence starting with the National Security Act of 1947 and progressing with each of the major amendments to that legislation, and will demonstrate the Congress' reduced influence vis-a-vis the executive. There is no easy method to measure or operationalize congressional power and influence in this issue area. For this reason, it was necessary to undertake a detailed investigation of a major military weapons system and the controversy that surrounded it: the research, development and production of a new manned bomber, the B-70. The history of the manned bomber controversy in general and the B-70 in particular will be

the specific issue used to illustrate the contention that Congress' influence and power have declined in issues concerning weapons policy. As noted, I will argue that the legal authority granted to the Secretary of Defense in the National Security Act and its amendments by Congress was a significant factor (among others) in allowing the President and Secretary of Defense to frustrate repeated congressional attempts to force accelerated development and production of the B-70. In addition, the B-70 will illustrate the Congress' function as "spokesman" for military interests. In short, the case study of a major military weapons system (Part II of this study) provides concrete evidence for the propositions generated in Part I.

Before moving on to a discussion of the constitutional delegation of powers to the Congress and to the Executive Branch, there are two assumptions in this study that deserve amplification. First, I believe it reasonable to separate and treat individually the various aspects of the debate concerning proper presidential and congressional responsibilities. While recognizing the intricate nature of the several aspects of the debate over executive and congressional responsibilities in "providing for the common defense," I believe that the responsibilities to "raise," "supply," "commit," and "command" the

armed forces are sufficiently different functions so as to warrant individual treatment. As will be established shortly, the framers of the Constitution believed that it was not only possible but necessary to separate these responsibilities.

My second assumption is that one substantial, longitudinal case study is sufficient to support my general thesis, even if not conclusive. While the adequacy of a single case study to support a thesis is admittedly suspect, the proposed case study does present advantages and is put forward as more than just an illustration of congressional behavior. The B-70 bomber, a high speed, high altitude airplane, was first conceived in 1953. The program finally ended in 1969 -- but not before an expenditure of \$1.5 billion (less than half the amount appropriated by Congress) for the required research, development and the production of two prototypes. The long history of the aircraft allows a longitudinal study that includes four Administrations and seven Congresses. On the basis of this lengthy time span, I believe that congressional influence and power are fairly represented and that while a single case study cannot provide unimpeachable evidence, the B-70 case study does provide significantly more than just insight.

The Constitutional Delegation of Powers

In order to understand how and why the framers of the Constitution delegated specific powers to the President and other specific powers to the Congress "to provide for the common defense," I believe it is necessary to review the framers' concerns. On the one hand, the framers recognized the absolute necessity of providing the central government with military power; but, on the other hand, they were cognizant of the dangers of military despotism if such powers were not carefully controlled.

One of the principal arguments employed by the authors of the Federalist Papers in urging adoption of the Constitution was that a strong and united federation of the states was paramount to the security of the new nation against foreign danger. In one of the first papers, John Jay pointed to the liabilities of a weak confederation and the assets of the proposed alternative:

Leave America divided into thirteen or, if you please, into three or four independent governments -- what armies could they raise and pay -- what fleets could they ever hope to have? If one was attacked, would the others fly to its succor and spend their blood and money in its defense? ... But if they foreign states see our national government is efficient and well administered ... our militia properly organized and disciplined ... our people free, contented, and united, they will

be much more disposed to cultivate our
friendship than provoke our resentment.¹

This argument clearly reflects the collective
attitude of the Constitution's framers when they wrote:

We the people of the United States, in
order to ... provide for the common
defense ... do ordain and establish
this Constitution for the United States
of America.²

In recognition of this obligation to "provide for the
common defense," the architects of the new nation made
provisions for the requisite power to be available to the
federal government.*

The Congress will have power to ... pro-
vide for the common defense ... of the
United States ... to raise and support
armies ... to provide and maintain a
navy; to make rules for the government
and regulation of the land and naval
forces³

The President shall be Commander in Chief
of the Army and Navy of the United States
.....⁴

* At the time of the Constitutional Convention the United States was in fact vulnerable to military attack by foreign powers. France, Spain and Great Britain all had possessions that either bordered on, or were within striking distance of U.S. territory. The framers were therefore concerned with developing a military posture that would discourage conflict. See: Elias Huzar, The Purse and the Sword (Ithaca, New York: Cornell University Press, 1950), pp. 1-3.

Having conferred these powers on the President and Congress, the Constitutional Convention debated a proposal that would have diminished congressional authority by constitutionally limiting the size of the army in times of peace.⁵ The delegates were concerned of course about the threat to liberty that unguarded military power posed.⁶ However, the proposal was defeated on the grounds that "these powers ought to exist without limitation, because it is impossible to foresee or to define the extent and variety of the means which may be necessary to satisfy them."⁷ Although the proposal to limit the size of the army was defeated, other safeguards were provided against oppression by a professional army.

The first check was to minimize the government's need for military forces. The framers predicted that, as a result of the adoption of the Constitution, there would be a decline in military establishments since the federal councils would possess the machinery to settle disputes between the states that previously might have required armies, and at the same time, a unified nation would discourage foreign powers from attempting a military invasion.⁸ A second effort to mitigate the dangers of an unlimited standing army was in granting constitutional authority to the Congress to "... provide for calling the militia to execute

the Law of the Union, suppress insurrections and repel invasions."⁹ James Madison argued convincingly that the most effective way to minimize the importance and reliance upon a large standing army was to provide the government with full power to employ the militia "... and exert the whole natural strength of the Union when necessary."¹⁰

In maintaining the independence of the States' militia as military forces, the framers saw another method controlling a professional army, since with such forces it would be possible to challenge an army attempting to trespass its sanctioned power. In order to make this possibility viable, the Constitution empowered the Congress to organize, discipline, and arm the militia, so as to make it an effective force, but left to the States the power to train the militia and appoint its officers.¹¹ Alexander Hamilton seems to have reflected the rationale of these provisions in arguing that the state governments would be quick to resist any and all attempts by the national government to utilize the army to tyrannize the nation, or efforts toward that end by the army itself.¹²

Clearly, the major safeguard against a military usurpation of power (and the safeguard which is most significant for the purposes of this study) was to locate control of the army in politically responsible hands. In all

instances, the military power of the state was to be strictly subordinated to civilian authority. In assigning this civilian authority, the framers were careful to guard against the possibility of military despotism from an executive army or a legislative army; they applied the principle of separation of powers to the common defense. The requisite powers to provide for the common defense were divided between the Congress and the President. Congress was granted the authority to mobilize national resources and create an army, but could not command either. Authority to command an army was vested in the President, but he could not create such an army.¹³ In short, Congress, and only Congress "... was to provide the sword which the President was to wield."¹⁴ That there could be no doubt as to their intentions, the framers included the provision that "no money shall be drawn from the treasury but in consequence of appropriations made by the law."¹⁵

The delegates to the Constitutional Convention had great faith in the financial powers of the Congress as a means to control executive agencies of the government. To guarantee that Congress could not surrender this power or use it toward undesirable ends, the provision empowering Congress to raise and support armies is qualified so

that "no appropriation of money to that use shall be for longer term than two years."¹⁶ To James Madison, this qualification was "the best possible precaution against danger from standing armies"¹⁷

There could be little doubt as to the intention of the framers of the Constitution concerning the responsibilities of the Congress and those of the President in providing for the "common defense" of the United States. The Congress was given specific authority to create and organize the military forces, and most significantly for purposes of this study, the responsibility to "supply" the armed forces was -- and is -- vested in Congress. The framers were careful and specific in confining the President's role as Commander in Chief of the Army and Navy to "nothing more than the supreme command and direction of the military and naval forces," while the declaration of war, the raising and regulation of fleets and armies in the Constitution they were considering, "... would appertain to the legislature."¹⁸

A "strict constructionist" legal reading of the constitutional language, coupled with the arguments made by the framers of the Constitution and the "Federalists," leads to the conclusion that the legislature was charged with an exclusive responsibility to formulate policy, a

principle consistent with the system of government being advocated by the new Constitution. The legislature, the representatives of the people and as such the first among co-equal branches, was to establish policy and enact the laws, which the Executive Branch was to execute.

In practice however, over the two hundred year history of the American republic, a strict constructionist view of congressional responsibility has not been taken. While the Congress has always provided funds for the purpose of raising and supporting the armed forces in accord with its specific constitutionally imposed responsibility, it has shared its less specific policy-making powers with the President. Over time, the degree of congressional power and influence vis-a-vis the executive over foreign policy issues -- including weapons policy issues -- has fluctuated. In the post World War II period, however, many scholars have commented on what they believed to be a more fundamental shift in congressional power vis-a-vis executive power in foreign policy issues, with the executive maintaining a significant and dominating edge over the Congress. As I have already made clear, I will argue specifically that Congress, primarily as a result of legislation, has lost critical power and influence to the Executive Branch in establishing weapons

policy. This claim is made regardless of whether the intention of the Constitution was to allocate to the Congress exclusive power to establish weapons policy or to share that responsibility with the President. Before moving to my specific thesis, I will review arguments offered by other observers seeking to explain in general the congressional decline of power in the foreign/military policy issue area to determine what other explanations have been offered.

The Declining Power of Congress

A strong case can be made for the existence of an imbalance of constitutional powers in favor of the President. In a good general application of the presidential-congressional imbalance scenario, Senator J. William Fulbright has argued that "it is no longer accurate to characterize our government, in matters of foreign relations, as one of separated powers checked and balanced against each other."¹⁹ Similarly, Samuel Huntington, in 1961, observed that "a significant gap thus exists between the theory and practice of the Constitution."²⁰ The delicate balance between the two institutions which the framers of the national charter labored to achieve in recognition of their responsibility to provide for the common defense,

has been seriously weakened. The Executive Branch of government is at an advantage, and has been since at least the end of World War II. Huntington presented the evidence concisely:

In the post World War II period, the executive determined the overall level of military effort and the strategy by which it was shaped. The executive decided whether the Air Force should have 95 or 137 wings, the Army 14 or 24 divisions, the Navy 200 or 400 warships. The fundamental decisions to maintain a massive nuclear retaliatory force, to construct a continental defense system, and to develop or not to develop forces for conventional limited wars were all made in the executive branch. The decisions on whether to build hydrogen bombs, "super carriers," long-range jet bombers, intermediate-range and intercontinental ballistic missiles, nuclear-powered submarines and planes were also executive decisions....²¹

Perhaps the issue is not as clear as Huntington first indicated. In 1968, Huntington, in the keynote address to the Fourteenth Annual Institute of World Affairs Conference, spoke of "... the congressional revolt against the ABM ..." and stated that "even if unsuccessful, this revolt still marks a fundamental shift from the previous pattern of relationships in which enthusiastic groups within Congress lobbied with the executive leadership on behalf of particular weapons systems and military programs."²² In short, Huntington changed his position and was pre-

dicting a more influential congressional voice in foreign and military policy. He based this prediction on "a re-orientation of national priorities from foreign policy to domestic needs" Clearly, if foreign and military policy issues in general became indistinct from issues of domestic policy -- as the ABM issue had -- Professor Huntington may have predicted correctly. However, while he argues that the ABM issue "cannot be dismissed as an isolated case,"²³ he cites no others. I believe he chose the strongest possible issue on which to base his prediction, but one which may well have been an isolated case. Indeed, other scholars (some of whose work will be cited below) who have written on the congressional-executive imbalance problem after the ABM debates did not see or note the "fundamental shift" Huntington predicted.

While I do believe that Congress has suffered a general decline of power in foreign and military policy issues, my purpose here is not to prove that general contention. The scope of this study is very limited. I will argue that Congress has, since 1947, failed to discharge fully its constitutionally imposed responsibility to "supply" the armed forces of the United States. This allegation is not meant to suggest that Congress does not in fact authorize and appropriate funds for the purpose

of research, development and procurement of military weapons systems according to the letter of the Constitution -- the Congress does do that; rather this allegation asserts that Congress has lost to the executive critical influence and power in establishing weapons policy and has thus failed to execute its responsibility (whether it be shared or exclusive responsibility) according to the spirit of the Constitution.

A small, but growing body of literature exists which offers some speculation and explanation with regard to the declining power and influence of Congress. While much of this literature speaks to the more general problem of declining congressional influence vis-a-vis the executive, only those arguments pertinent to the more limited concern of establishing weapons policy for the armed forces will be advanced here. As a consequence of this limitation, arguments which would probably be necessary to explain the general condition of presidential-congressional imbalance in regard to war powers, the Senate's power to advise and consent, and others are not recorded. The arguments that can be more directly related to the immediate question under investigation can be summarized in four major themes. The first theme is the most general.

- 1) The "uncommon defense": this position essentially

argues that the complexities of "raising," "maintaining" and "supplying" the armed forces today bear little if any resemblance to that envisioned by the delegates to the Constitutional Convention in 1787, or for that matter to the American experience up until and including the Second World War.²⁴ The advent of atomic and nuclear weapons has made pre World War II experience obsolete. The advocates of this view invariably conclude, as do some members of the Congress themselves, that the Congress must depend and rely on the advice of military expertise within the Executive Branch. "Their main theme [is] that the military leaders are the experts; they know best what the nation needs for national defense; any reduction from what they recommend means risking the nation's security; and such shortfalls must be exposed and attacked as such."²⁵ In a variation of this theme, Lewis A. Dexter has observed that Congressmen feel that they lack the technical competence to render decisions on matters of defense.²⁶

2) A second theme is closely related to the first but presents a more specific hypothesis, namely that "... the national legislature ... is [in this time of uncommon defense] remarkably ill-suited to exercise a wise control over the nation's foreign policy."²⁷ This position is accepted

by a number of scholars but for varying reasons. One major reason is that decisions calling for the use of military power may require immediate and unequivocal action -- a feat for which Congress is rarely known. A more theoretical view is presented by both Robert Dahl and James Robinson. The former maintains that "the great influence [in foreign policy] of the executive-administrative [branch of government] stems from its occasional capacity for unity, [and] from its superior organization for determining what realities exist at any given moment in international politics."²⁸ Hence, the elements of information and organization are of great significance. Dahl elaborates on this view:

... the impression that the executive-administrative has better information is not wholly facade. For it alone of all branches of government has the world-wide reporting services necessary to intelligent judgement. It alone has steady access to the hourly and daily reports of consulates and embassies and military attaches throughout the world. And the reports, analyses, and forecasts of the Central Intelligence Agency are constantly available to it.

Congress has no such organization. It has the newspapers and radio. It has the infrequent reports of congressional junkets abroad, not uncommonly under the guidance of executive-administrative personnel.²⁹

James A. Robinson concurs with Dahl's argument and carries it somewhat further. Robinson contends that innovative legislation requires "integrative solutions" or the combination of vast quantities of information on a variety of subjects. The decentralized nature of the Congress "... does not lend itself to ready integration of specialized knowledge."³⁰

Samuel Huntington, while not necessarily agreeing with this viewpoint, does admit that a particular congressional body gets no more than a "partial view" of any single major strategic program, and that Congress therefore "lack sufficient political competence" to develop an overall program.³¹

A variation of this general theme in that it addresses the alleged complexity of foreign policy decision-making is offered by James Roherty. Roherty, concerned with the complex nature of defense and the perceived need for a centralized and rational procedure for decision-making, traces the growth of the office of the Secretary of Defense and concentrates on the management schemes offered by the various Secretaries in his study of the role of the Secretary of Defense. He argues that in one way or another every Secretary has increased the power of the Defense Department in the name of sound management and

rational decision-making, but at the expense of other institutions including the Congress.³²

3) A third strain of thought seeking to explain congressional inadequacies in providing for the common defense asserts that Congressmen and congressional committees have little incentive to play an active role in determining the nation's defense policy. Some advocates of this view express the belief that organizational capacity and informational sources are not the problem at all. Roger Hilsman has observed that many Congressmen are in fact very well informed on foreign and military policy.³³ Huntington states that there are a variety of well established formal and informal means of providing necessary information to principal congressional groups.³⁴ If information is not the problem, then what is? Warner Schilling has suggested that "the major cause for Congress' lack of incentive ... would appear to lie not so much in the desire to avoid responsibility as in the expectation that there is little to be gained from trying to exercise it."³⁵ While Dahl does not speak directly to this point, he does suggest that in matters of foreign and military policy most Congressmen are under little if any pressure from their constituents.³⁶ This would seem to imply that Congressmen rarely win or lose votes on the stands they

take in matters of military policy. Elias Huzar, who conducted an exhaustive study of congressional action on the military budget, concurs with this basic conclusion. Huzar states: "For the most part, work on the military appropriations subcommittees is peripheral to the conditions of survival in Congress."³⁷ Schilling came to the same conclusion: "At election time little reward will await the Congressmen who chose to become expert critics of the defense budget, and no punishment will befall their colleagues who did not."³⁸

4) The final theme seeking to explain why Congress' influence has declined in defense related matters focuses on the growth of the military establishment and the industrial base which has developed to support it. Samuel Huntington has observed that every essay and every speech he has read or heard on this subject began with President Eisenhower's warning of the potential danger of the unchecked growth of a defense sector in American society. Indeed, the former president has been much quoted and generally credited with coining the phrase "military-industrial complex." But more importantly, Eisenhower's famous warning in his farewell speech to the nation in 1961 remains a basic definition of the problem.

This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence -- economic, political, even spiritual -- is felt in every city, every statehouse, every office of the federal government. We recognize the imperative need for this development. Yet we must not fail to comprehend its grave implications. Our toil, resources, and livelihood are all involved; so is the very structure of our society. In the councils of government we must guard against the acquisition of unwarranted influence, whether sought or unsought by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.³⁹

These few lines from Eisenhower's farewell speech capture the essence of the arguments advanced under this theme. Proponents of this fourth theme argue that the defense sector, which includes the military establishment, industrial, labor and geographic interests, and which is pejoratively referred to as the military-industrial complex, has obtained and exercised such enormous influence over foreign and military policy that it has displaced traditional government policy-making institutions.

The fact that President Eisenhower spoke about the potential threat of a military-industrial complex in 1961 indicates that the argument is not new, yet it did not receive wide attention until recently. Sidney Lens offers what may be interpreted as an explanation as to why this

theme had comparatively few visible advocates until recently:

The one useful result of the Vietnam war may be that it has finally made the military establishment fair game for criticism. Until the war proved "unwinnable," the Pentagon wore a halo. Its words on weapons, strategy, and budgets were sacrosanct. When it came to the higher mathematics of procurement, its judgment was accepted like a message from Mount Sinai, and the nation followed it from one weapon system to another, from one enlarged budget to another, with humble awe.⁴⁰

Most authors advocating the military-industrial complex argument as a primary explanation of congressional impotence have elaborated on various aspects of the general argument. Senator Fulbright seems to have taken a cue directly from President Eisenhower. Fulbright charged that the overwhelming size and pervasiveness of the military establishment had unduly influenced the course of American development since the military has become "an active, and largely unregulated participant in the policy-making process."⁴¹ Fulbright has suggested that the growth of the military establishment has had the effect of "bringing to bear a degree of discipline, unanimity, and strength of conviction seldom found among civilian officials, and able and energetic men who fill the top ranks of the armed services have acquired an

influence on the nation's security policy disproportionate to their numbers."⁴²

More recently Fulbright offered another aspect of this argument. As a result of an inquiry concerning the scope and complexity of public relations programs established by the Pentagon and the military services, the Senator has written:

The results of these inquiries amazed me for I had no idea of the extent to which the Pentagon had been staffed and armed to promote itself and the military services. In use is every device and technique of the commercial public relations man and even some that he cannot afford such as cruises on aircraft carriers and "firepower" demonstrations by battalions of artillery and squadrons of aircraft, all designed to shape public opinion and build an impression that militarism is good for you.⁴³

Fulbright contends that the Pentagon, through the use of its "propaganda machine" has created a "seller's market" in which the military can maintain its position of influence which naturally puts Congress and other institutions at a decisive disadvantage in the policy-making process.⁴⁴

Philip Hart, Adam Yarmolinsky and Bruce Russett present arguments which represent another aspect of the general theme. Their presentations are oriented to the

industrial-labor interest of the military-industrial complex. Senator Hart points out the difficulty a member of Congress has in voting against expenditures for military weapons:

... as procurement moved steadily upward, every member of Congress began to develop constituencies that were in some degree dependent on defense jobs in contracts⁴⁵

Adam Yarmolinsky supports Hart's position and develops it. Yarmolinsky suggests that a military-congressional interdependency exists which in effect makes it politically infeasible for the Congress to control the military. As evidence of this interdependence, Yarmolinsky cites:

... the daily ritual which allows individual Senators and Congressmen to announce new defense contracts with companies in their states or districts ... in support by particular Congressmen for particular military programs or weapons systems ... in the favors given members of Congress by the Pentagon in the form of free plane rides to house districts or to the far corners of the world.⁴⁶

Bruce M. Russett, in one of the few empirical works on this subject, demonstrates -- however, imperfectly -- that Senators who are more "hawkish" represent states that benefit more than other states by high levels of defense spending.⁴⁷ This position is well summarized by Julius

Duscha's statement "waste in defense spending is tolerated by Congress because the expenditures, however misdirected they may be in terms of national security, still create jobs and profits."⁴⁸

A final argument, but still a variation of the same general theme again takes its cue from President Eisenhower. In the same farewell address, President Eisenhower warned that public policy could well "become the captive of a scientific-technological elite."⁴⁹ Herbert York has interpreted this warning to be directed against undue influence by the "hard sell technologists who tried to exploit Sputnik and the missile-gap psychosis it engendered. We were to be wary of accepting their claims, believing their analyses, and buying their wares."⁵⁰ York goes on to say that these claims carried "a lot of weight with the public and with some segments of the Congress and the press,"⁵¹ who believed that in fact the complexity of the technology rendered the public and Congress incapable of making rational decisions. Hence, the scientific-technological elite has gained great power.

The arguments represented in the four themes above do not purport to constitute an exhaustive list. They do, however, cover the major general themes running through the literature offering some speculation and/or explanation

as to why and how the Congress has failed to discharge its responsibility to supply the armed forces. (Additional scenarios -- of a less general nature -- seeking to explain executive dominance and congressional frustration over decisions and actions regarding the B-70 will be entertained in the case study.) While all of these arguments demonstrate some degree of validity and all may be necessary to the process of the congressional decline of power and particularly the decline of congressional power with regard to supplying the armed forces, in my judgement none is sufficient either singularly or collectively, in explaining that decline of power.

Conceptual Frameworks for Analysis

I have proposed the hypothesis that Congress' influence has declined relative to that of the Executive Branch and that a significant factor (but not an exclusive factor) in accounting for that decline can be found in the National Security Act of 1947 as amended. To develop a case for these positions it will be necessary to establish a conceptual framework by which to characterize, investigate, and analyze the interaction among and between the relevant actors in the Congress and in the Executive Branch and evaluate the effect of the legis-

lation on their interaction and relative degree of influence on weapons policy.

A conceptual framework will also help to identify and isolate for investigation the primary congressional and executive actors concerned with the B-70 bomber issue. Such identification is essential since it is recognized that not every member of Congress has been willing to accept reduced influence or has acted as a "spokesman" for military interests. In other words, this paper does not mean to imply that Congress speaks with a single voice. In view of the fragmented nature of the congressional process, the various factions and coalitions in Congress, and the literature documenting the differential degrees of influence exercised by various groups in Congress, depending on the issue area, an assumption of a Congress speaking with one voice would hardly be realistic. In this study, when the term "Congress" is employed, it is only as a convenient symbol which refers to those legislators and legislative groups and committees concerned directly with legislation or other forms of congressional action impacting on military weapons policy and procurement decisions.

A review of the existing literature reveals that while there are several competing conceptual frameworks for explaining (and predicting) the pattern of interaction and

behavior of the participants, most authors seem to start from the proposition that the general issue and the particular issue to be resolved helps substantially to define who the principal participants will be in the process. James Rosenau presents this view as a working premise in his now famous essay "Foreign Policy As An Issue Area." Rosenau states that

different types of issues elicit different sets of motives on the part of different actors in a political system, that different system members are thus activated by different issues,⁵²

Graham Allison and Morton Halperin, in a more recent article, support Rosenau's premise by responding to their own rhetorical question of what determines who will participate in a given conflict, i.e., which governmental actors. Allison and Halperin assert that "the mix of players will vary depending on the issue and type of game."⁵³

Numerous other examples of support for the proposition that the participants will be defined by the issue can be found in the existing literature. I have employed the principle here and have developed a list of the primary actors which would be expected to be involved in the controversy surrounding the strategic manned bomber. While my investigation of the controversy was not re-

stricted to the cast of actors expected to participate because of the specific issue, it did focus on such participants.

In the Congress, most of the analysis in this study focuses on the House and Senate Armed Services Committees, the House and Senate defense spending subcommittees of the Appropriations Committees, and individual members of these committees. (While these were the committees that suffered a meaningful decline in influence, I will argue that the legislative branch as a whole ratified the positions adopted by their committees -- though not with unanimity -- and thus also suffered a decline of power vis-a-vis the executive.) Additionally, ad hoc congressional committees were studied which were established to investigate defense issues over the years of the controversy such as the Senate Committee on Military Preparedness. In the Executive Branch, the cast of characters include: the President, the Secretaries of Defense and the Air Force, the military leadership of the Air Force, and the Joint Chiefs of Staff. Finally, non-governmental organizations which were considered included elements of the aviation and electronics industries (including both management and labor groups), and the press.

Another proposition found in the literature helped

to guide the search for additional possible and probable participants in the manned bomber controversy. Theodore J. Lowi has suggested that:

When there is time for planning there is time for disagreement.... More and more individuals, values and institutions become involved as the stakes in the outcome of an issue increase and the time allows. ... as the involvement spreads there is an increase in the uncertainty of the outcome in policy.⁵⁴

While Lowi's proposition will be evaluated in the final chapter of this study, it served as a warning not to foreclose the possibility of additional unanticipated participants.

Having identified specifically the probable participants in the manned bomber controversy, as already suggested, it would be desirable to establish a standard from which to investigate and analyze the interaction of those participants in that controversy and ultimately, if my hypothesis is valid, show how the legislation, i.e., the National Security Act of 1947 as amended, was instrumental in modifying and/or changing the interaction patterns and influence of the participants. Unfortunately, the task of establishing a conceptual framework to employ here as a standard for analysis is complicated by the fact that there are many well developed and competing models and

propositions to describe, explain, and in some cases predict why and how governmental policy decisions are made. Such paradigms range from general and simple propositions to complex models.

Rather than attempt to choose a single model or proposition from the existing literature as a standard for the analysis of the B-70 controversy, I will identify several such models and propositions here, all of which are potentially useful in terms of viewing the manned bomber controversy and the behavior of the relevant actors in the legislative and executive branches. While I will select relevant models and propositions for use in analyzing various aspects of actor behavior in the case study, I will review each of the models and propositions explicitly to analyze the bomber controversy in the last chapter of this study. As a consequence of this approach, my investigation of the manned bomber controversy will attempt to consider and record the significant events and behavior associated with the bomber issue. The final chapter of this study will draw on those paradigms to develop a more complete analysis of the events described in the case study and evaluate the impact of the legislation (the National Security Act of 1947 as amended) on both the

manned bomber controversy and the paradigms' abilities to explain the behavior of the participants in that controversy.

One of the early paradigms to appear in the literature was developed by Theodore J. Lowi. Lowi, in an adaptation of a celebrated article in which he defines issues as "regulatory," "distributive" or "redistributive," suggests that each of these general issue types calls into play different kinds of political sub-systems which specify the power patterns and relationships between formal leaders and competing governmental institutions, which in turn helps to explain why and how particular policy decisions are made.⁵⁵ Lowi argues that "when public policy is facing the 'redistribution' of resources, the system is elitist," i.e., power in the system is centralized, power relationships are highly stable, and conflict is managed by regular, hierarchical means.⁵⁶ When public policy is facing the "regulation" of resources, Lowi says the system is pluralist, i.e., the system is characterized by bargaining among directly conflicting interests, but is not a decentralized system, contains no elite and is a multicentered system.⁵⁷ Finally, when public policy is facing a "distribution" of resources, the system is decentralized and is seen largely in terms of logrolling

and pork barreling.⁵⁸

If I could classify the manned bomber controversy as one type of issue rather than another, Lowi's corresponding model of the structure and behavior of the political system could provide a conceptual framework from which to investigate and explain the B-70 controversy and the congressional-executive relationship therein. It is premature at this point to classify the manned bomber issue as one type of issue rather than another. After an in-depth look at the controversy, I will consider Lowi's approach.

Another but much more general proposition that could be employed as a conceptual framework for the present study, was offered by Samuel Huntington. Professor Huntington postulates that the policy-making process is legislative in character, (by which he means that policy is a result of bargaining between and among various interests that are not necessarily in different branches of government) when the participants are roughly equal in power; when important disagreements exist concerning the objectives of the policy in question; and when there are many possible alternatives to a particular policy. The policy-making process is executive in character according to Huntington, when the participating units are hierar-

chically arranged, i.e., when such units exercise varying degrees of power; when fundamental goals and values are not at issue; and when the range of possible policy choices is limited.⁵⁹

Professor Huntington contends that strategic program decisions are made in the executive rather than in Congress but that the process of decision-making within the executive is legislative in character. In short, Huntington argues that "the locus of decision is executive; the process of decision is primarily legislative."⁶⁰ This hypothesis will be helpful in the analysis of the B-70 controversy by providing a reference for viewing the interaction not only of the relevant participants in Congress and the relevant Executive Branch participants, but for the interaction among units in each branch. At the same time, in the final chapter, the hypothesis will be subject to the limited test of the B-70 decisions.

Perhaps the single most useful piece of literature for present purposes, i.e., identifying paradigms that could be employed as conceptual frameworks for analysis of the B-70 controversy and its resolution, is Graham T. Allison's "Conceptual Models and the Cuban Missile Crisis."⁶¹ Allison identifies three separate and distinct models from which to analyze the Cuban Missile Crisis.

But Allison's models represent a general approach to understanding governmental behavior especially in foreign and military affairs. Each of these approaches can be used as a conceptual guide for analysis of the B-70.

The three models were constructed by drawing heavily on other scholars who advocated particular, but not unique, conceptual orientations to analyzing decision-making by government. Consequently, the value of Allison's work is multiplied for us since he not only synthesizes many other writers in the field, but provides many examples of how these conceptual frameworks have been used.

The first of Allison's models is the Rational Policy Model in which

... happenings in foreign policy are conceived as actions chosen by the nation or national government. Governments select the action that will maximize strategic goals and objectives.⁶²

As "organizing concepts" of this model, Allison identifies the government as a "rational, unitary decision-maker" which has specific goals and objectives and selects solutions to problems based on those specific goals and objectives. In short, the Rational Policy Model characterizes government behavior as completely rational, as unitary rather than disaggregate, and value maximizing.

While Allison suggests some interesting potential applications of this model, the key is the unitary actor concept which makes this scenario inapplicable to my case study.

The characterization of government organization and behavior in Allison's second model is in stark contrast to the Rational Policy Model. The Organizational Process Model is constructed on the view that the government

consists of a conglomerate of semi-feudal, loosely allied organizations, each with a substantial life of its own. ... governments perceive problems through organizational sensors.⁶³

Given this picture of government, Allison suggests that a government decision can be understood not as a rational decision made by a unitary actor based on specific goals and objectives, but rather as a negotiated decision between and among different organizations within the government. Each of these organizations has its own specific goals and objectives and its own perception of the problem requiring a solution. (Even top government leaders have only marginal influence on the objectives, goals, and procedures of their organizations.) Each governmental unit reacts to a problem according to a preestablished routine which is reinforced by such factors as selective information about a problem, recruitment of personnel into a governmental unit and pressures within an organization to respond to

its clients, such as interest groups and other government allies (e.g., congressional committees).⁶⁴

Unlike the Rational Policy Model which implies centralized control and coordination of all government action, the Organizational Process Model implies a decentralized governmental decision-making system. The latter model emphasizes coordination and accommodation of organizational interests rather than the centralized control of decision-making of the Rational Policy Model.

The case study at first reading will appear to support elements of the Organizational Process Model as an excellent tool of analysis. Indeed, I was tempted to use this model exclusively as the conceptual framework for this paper. However, on a more careful reading of the raw material presented in the case study, the Organizational Process Model provides little guidance in explaining changes in an organization's behavior either internally or with other government organizations which is an integral part of my hypothesis. Again, however, the model will provide insight with which to view the B-70 controversy and the behavior of relevant congressional and executive actors.

Allison's third model, the Bureaucratic Politics Model, was inspired by Richard Neustadt's work on Presi-

dential Power in which Neustadt characterizes policy decisions as the outcome of political bargaining among a number of independent players surrounding the President.⁶⁵ Allison generalized Neustadt's implicit model to construct a more comprehensive paradigm of government behavior. (Allison in conjunction with Morton Halperin in a 1972 World Politics article expanded and refined the Bureaucratic Politics Model, but the earlier and shorter version contains all the essential elements of the joint article.)⁶⁶

Essentially, the Bureaucratic Politics Model characterizes decision-making by government not as rational choice but by "... the pulling and hauling that is politics."⁶⁷ Policy decisions are seen as a result of compromise, coalition, competition, and confusion among competing and independent government officials who occupy critical positions in an administration. Each participant's ability to influence policy decisions successfully is derived from an "elusive" combination of three elements: bargaining advantage, which is based to some extent on formal authority and obligations, institutional backing, constituents, expertise, and status; the skillfulness and willingness to utilize bargaining advantage; and other participants' perception of the first two elements.⁶⁸ While formal procedures and rules exist by which bargaining

among players produces decisions, decisions are not the result of continuing and dispassionate analysis of a problem, and therefore this model is a much less rational decision-making model than either of the first two Allison models. In fact, Allison suggests that governmental decisions are often quite different than any single actor may have intended or expected as a result of the bargaining process characterized by the Bureaucratic Politics Model.⁶⁹

The case study of the B-70 bomber will indeed demonstrate some of the "pulling and hauling" to reach decisions postulated by Allison's third model. However, the Bureaucratic Politics Model could not explain the remarkably consistent positions taken by changing government leaders in specific and critical positions over the long history of the B-70. In other words, this model -- as the preceding two -- will be valuable in explaining government behavior on the B-70 issue but is not a sufficient framework for this study.

In any case, as I have already suggested, I prefer to look at the bomber controversy from the explanatory propositions of each of the models discussed, much the same way as Allison looked at the Cuban Missile Crisis from each perspective. This will be done in the final chapter

of this study. Additionally, it must be remembered that the thrust of this study is not to provide support or credibility for one particular model or proposition over another by demonstrating its applicability to the B-70 controversy, but rather to demonstrate and explain the congressional decline of power on critical decisions concerning military weapons policies.

Finally, as an additional reference point for this study, James R. Kurth, in a recent Foreign Policy article, develops four possible explanations for determining United States' weapons policies and then applies each to the ultimate B-70 cancellation.⁷⁰ The first of Kurth's scenarios is a "strategic" explanation which he defines as a rational calculation about foreign threats or from reciprocal dynamics of arms races.⁷¹

The second explanation is very similar to Allison's Bureaucratic Politics Model and is characterized as competition between bureaucracies, especially the military services.⁷² Kurth labels this scenario "Bureaucratic." In applying these explanations to the cancellation of the B-70 program Kurth concludes:

A strategic explanation, focusing on the vulnerability of the manned bomber and on its low cost-effectiveness versus Minuteman and Polaris, might seem quite sufficient Such strategic factors

may have been reinforced by bureaucratic politics; that is, McNamara's determination to establish his authority over the military services and over the traditional autonomy of their procurement practices. Together, strategic and bureaucratic factors seem to account for the cancellation.⁷³

The third and fourth explanation of American weapons policy are called "Democratic" and "Economic" respectively. In the Democratic scenario Kurth argues that weapons decisions are a function of electoral calculations by the President and members of Congress. In the Economic argument, the author sees weapons policy as the result of the needs of the capitalist system or needs of particular corporations or industries.⁷⁴ The Democratic and Economic explanations would seem to fit into Theodore Lowi's "distributive" model discussed previously.

While Kurth does not appear to argue that the canceled B-70 program could be explained best by either the Democratic or Economic explanations, he does suggest that six of the nine largest defense "production lines" are located in states which "loom large in the 'Electoral College'" and the remaining three in states represented by high ranking members of the Senate Armed Services Committee.⁷⁵ Additionally, Kurth asserts that the Air Force and congressional proponents of the B-70 program were compensated for

the B-70 cancellation with a massive missile build-up and the awarding of North American Rockwell, the primary B-70 contractor, with another major contract, the Apollo Moon Program.⁷⁶

I believe the case study will demonstrate that a massive missile build-up was planned long before the B-70 cancellation but will generally support the notion (which is established in the case study) that both economic and electoral/political considerations were significant in the controversy. Such arguments may account for the long history of controversy surrounding the B-70 project. Each of James Kurth's explanations will be considered in the concluding chapter of this study.

The Case in Brief

The Constitution leaves no doubt that the Congress has at least shared powers with the President to "provide for the common defense" and exclusive powers to authorize expenditures to implement policies and programs to "raise and support" the armed forces. In spite of this Constitutional mandate there is substantial literature making the general charge that congressional influence vis-a-vis the executive in foreign/military policy issues has been significantly diminished. While I am sympathetic to the

general claim, I do not assume it to be true for purposes of this study. Rather I have advanced a more limited proposition and I have imposed a specific time frame. I will try to demonstrate that congressional influence has been reduced compared to the influence and power of the executive on critical decisions concerning military weapons development and procurement policies starting in 1947.

I have reviewed arguments seeking to explain generally the congressional-executive imbalance of power but which could also be used to explain the legislature's reduced influence on weapons development and procurement policies. I am not convinced of the adequacy of such arguments. In these times of the "uncommon defense," the Congress might well have protected and insisted upon its constitutionally-defined authority at the same time it established machinery to deal with the uncommon defense. It may have been able to establish organizational procedures to adapt to its increasingly complex responsibility as well as information networks to keep it constantly apprised of any and all developments in the international arena. Above all, the Congress might have created means for maintaining control over the growing military establishment -- along with all the military establish-

ment's influence. Whether this was possible is not the point to be argued here. What is clear is that Congress failed to do these things. It legislatively created and sanctioned institutions and organizations which could, and in my view did, replace the Congress itself in "providing for the common defense" in general and in influencing weapons policies in particular.

As previously stated, I will argue that the congressional responsibility to provide weapons for the armed forces was at least partially surrendered to the Executive Branch through legislation beginning with the National Security Act of 1947. In that Act Congress created institutions for the purpose of effective management of the military services, and then amended the original legislation several times, each time increasing the authority of the newly created institutions at the expense of the Congress. I will demonstrate that the National Security Act of 1947 as amended was a significant cause of the declining influence of Congress in establishing military weapons policy.

The next chapter will present the historical record of events that led to the eventual passage of the National Security Act of 1947, and will present evidence to suggest that the Act was the result of long-standing

political forces and pressures which led the Congress to enact a bill establishing the structure of the National Military Establishment. I will argue that the compromises necessary to enact the legislation ensured continued conflict between and among the military services, and that the Act failed to control service rivalries. The failure of the legislation to control those rivalries was the primary reason Congress, through several amendments, granted to the President and Secretary of Defense greater authority over the military establishment which in turn led to a decline of congressional influence.

Chapter three will be devoted to a careful and comprehensive analysis of the National Security Act of 1947, and chapter four will look at the amendments of 1949, 1953, and 1958 to that Act. The goal of these chapters is twofold: first, to demonstrate that the growth of the defense organization and the decline of congressional power were directly related to the legislation under investigation, i.e., the National Security Act; and second, to lend credence to a proposition advanced earlier, that the diminished and restricted nature of congressional participation in establishing weapons policy could also have been anticipated from the legislation. (As I have already suggested, I will argue that

Congress' participation has been restricted to a function which I have called "spokesman" for the military services, in which the Congress champions the arguments presented by a military service for the development and production of a weapons system which is opposed by the President and Secretary of Defense.)

Chapters five, six, and seven (Part II) deal with the B-70 bomber and to some extent with the Advanced Manned Strategic Aircraft and the B-1. While there is value in a case study of a major weapon in itself, the extensive examination and investigation of the B-70 will serve as a limited test of the propositions advanced by this paper. (It will also serve as a limited test of the propositions and models advanced by Allison, Huntington, Kurth, Lowi and Rosenau.) The B-70 case study will illustrate the diminished power and influence of Congress in establishing military weapons policy. The B-70 will also allow us to observe the participation of the various institutions and actors involved in decisions concerning the development and production of major weapons systems. It will document the extraordinary power and authority of the Secretary of Defense, the persistent use by the Air Force of its right of unimpeded access to Congress and the congressional function

of advocate for the Air Force to the President and Secretary of Defense. The case study will also suggest at least a partial explanation of the willingness of the Congress to be an advocate of military interests. As suggested earlier, one motivation may have been the congressional determination to maintain for itself an alternative source of information concerning military weapons development, and to retain a voice in weapons development decisions.

Each of the chapters dealing with the B-70 will present some specific conclusions. The eighth and final chapter of this study, drawing on the several propositions and models I will be employing as reference materials, will provide a general analysis and conclusion and will make some observations concerning congressional-executive relations in providing for the common defense.

CHAPTER TWO

HISTORICAL ANALYSIS OF THE ATTEMPTS TO UNIFY THE MILITARY

Introduction

This chapter will present the historical record of events that led to the eventual passage of the National Security Act of 1947. Through analysis of that necessarily detailed record, evidence will be presented to establish the validity of the claim that the National Security Act of 1947 was the product of intense political bargaining and compromise that resulted in legislation that would fail to meet its major objectives as a consequence of those compromises.

There was a long history of attempts to enact legislation to unify the military services. Each of these attempts failed because of the inability of competing parties to reconcile their objectives while resolving three major issues. The major issues around which compromise and political bargaining were necessary if legislation "unifying" the military was to be enacted were:

- 1) the long-standing efforts to attain economy and

efficiency in government spending; 2) the movement for an autonomous Air Force; and 3) the question of overall coordination between and among the military services. The resolution of these issues -- which finally resulted in the passage of the National Security Act of 1947 -- was a delicately balanced compromise, falling far short of "unifying" the military services but rather effecting a coordinating mechanism for the services that was acceptable to all contending parties, (i.e., President Truman, the Army, Navy, Air Force advocates, and supporters of these interests in Congress).

Proponents of a unified military had envisioned legislation that would combine the Army and Navy into a single military department thereby resolving the important issue of overall coordination by providing for a single chain of command. They hoped to resolve the issue of effecting economy and efficiency by eliminating overlapping functions performed by each service and eliminating duplicate facilities maintained by each service. As a result of the compromises necessary to enact any "unifying" legislation, proponents were forced to accept not unification, but triplication: the continuation of the traditional Army and Navy departments plus a new department of the Air Force, each relatively independent.

Proponents of a unified military organization settled for a small umbrella organization, headed by a newly created Secretary of National Defense, which was charged with effecting coordination of the three military services.

The organizational structure and process that resulted from the severely compromised National Security Act failed to achieve its objectives. The next chapter will demonstrate, through analysis of the National Security Act of 1947 and its several amendments, that the growth of the defense organization, i.e., the Department of Defense and the consequent congressional decline of power, flowed from efforts to correct the deficiencies in the compromised legislation. Furthermore, it will also show that the congressional function as spokesman for the military services was preserved by the same process.

Implicit throughout the entire argument and almost axiomatic to organizational sociologists and administrative-organizational theorists is the principle that the structure of an organization, i.e., the formal and informal rules, the interaction of roles, the system of command and the division of labor, will have implications for the way that organization functions and ultimately have an impact on what the organization

accomplishes.

Early Attempts at Unification

In a special message to the Congress on December 19, 1945, President Harry S. Truman recommended the establishment of a Department of National Defense.

I recommend that the Congress adopt legislation combining the War and Navy Departments into a single Department of National Defense. Such unification is another essential step ... in the development of a comprehensive and continuous program for our future safety and the peace and security of the world.¹

The controversy that surrounded President Truman's push for unification of the armed services was by no means new. It goes back at least as far as the Spanish-American War. The War Department's conduct of that War brought discredit upon the Department and turned out to be a political liability for the McKinley Administration.² Joint Army-Navy combat operations were conducted under the principle of "mutual cooperation." That principle broke down, however, during the Army-Navy campaign to capture Santiago, Cuba in 1898. Neither the Army Commander, Major General William R. Shafter, nor the Navy Commander, Rear Admiral William T. Sampson, would comply with the other's wishes in a strategy to capture the city.

At the War's end dissatisfaction with the failure of Army-Navy cooperation was magnified by jurisdictional disputes between the services over which service should administer newly acquired possessions.³

Elihu Root was brought in by President McKinley to relieve political pressures, but it was not until 1903, under President Theodore Roosevelt (who had witnessed the inefficiencies of the military firsthand during the Spanish-American War) that some sort of coordinating apparatus was developed. This was accomplished in the form of a Joint Army-Navy Board, which was created by an agreement and exchange of letters of the two service secretaries. The Joint Board, as it came to be called, "was established to consider those matters requiring the cooperation of the two services and to reach agreement on a program acceptable to both."⁴

The Board, however, had very limited functions and even less real authority. Matters came before the Board as a result of referral from one of the services, but recommendations by the Board required the approval of the service secretaries. Unless the secretaries approved the Joint Board's decision, that decision had no force.

As an indication of the limited functions the Board performed, it should be noted that it had no supporting

staff and problems that required any detailed study were sent to the service's war colleges.⁵ In addition, the members of the Joint Board (four Army and four Navy officers) retained their obligations and duties within their own departments, leaving them little time to devote to the Board's activities.⁶

The Joint Army-Navy Board operated with varying degrees of influence until 1919. The variation in influence exercised by the Board was a function of the degree of support and favor it enjoyed from the various Presidents it served.

From its creation in 1903 until 1907, the Board enjoyed a high degree of favor from President Roosevelt. But in 1907, it became obvious to the President, as a result of poor advice from the Joint Board concerning the location of a naval base in the Philippines, that cooperation between the services was geared to allowing each to have a hand in the total operation, and not to the question of the best posture for national defense. Roosevelt's confidence in the Board quickly vanished, and not once during his remaining tenure of office did he confer with the Board or solicit its advice.⁷

Although the Board began meeting again under President Taft, there is little evidence to suggest that it

had any influence on him. President Wilson demonstrated outright hostility to the Board in 1913 when it protested his rejection of a recommendation calling for fleet maneuvers.⁸ From this point on, the Joint Army-Navy Board's demise was evident. In April of 1914, the activities of the Board were suspended. The Board met only twice during World War I, and then only in regard to relatively insignificant matters.⁹

Nonetheless, the Joint Board represented the only formal structure for Army-Navy coordination, and a need still clearly existed to coordinate the planning activities of the two services. In the summer of 1919 the Board was reconstructed, reorganized, and reconvened. This time, however, the Board's organization was far more effective and the Board performed many more tasks of a much greater variety.

While the Joint Board still had no executive authority, it now had a permanent civilian secretary, and was assisted by a Joint Planning Committee which performed all the detailed work necessary for the Board to render policy recommendations and decisions.¹⁰

Even though the reconstituted Joint Army-Navy Board appeared to be promising, agitation for the "unification" of the military services soon began. The movement for

major reorganization and unification of the military was a consequence of two primary forces: the quest for greater economy and efficiency in government spending; and the movement for Air Force autonomy. As already suggested, both of these themes would remain constant and continuous until passage of the National Security Act of 1947. Indeed, these themes had great implications for the way the Act was written.

The Republican victory in the presidential election of 1920 brought to Washington a group of business-minded men who sought greater economy and efficiency in government by applying principles of business management.¹¹ To a large extent, W. F. Willoughby, who at the time was the Director of the Institute for Government Research, was responsible for initiating the movement for comprehensive administrative reorganization, including the military. As a result of Willoughby's efforts, Senator Reed Smoot introduced in April 1920, and again in December of that year, a joint resolution establishing a Joint Congressional Committee of six men to consider reorganization of the Executive Branch. The resolution specifically directed the committee to:

... determine what redistribution of activities should be made among the several services ... and what depart-

mental regrouping of services should be made, so that each executive department shall embrace only services having close working relation with each other and ministering directly to the primary purpose for which the same are maintained and operated¹²

President Harding was authorized by Congress to appoint a representative to the Joint Committee. He appointed Walter F. Brown, who became the Committee's chairman. It appears that Brown was influenced substantially by Willoughby who proposed the creation of a Department of National Defense, a single executive agency which would encompass the two military services. Willoughby published this recommendation in March of 1921, in time for the beginning of the 67th Congress.

Chairman Brown adopted many of Willoughby's proposals for government reorganization. In January of 1922, Brown reported to the President with a recommendation that the Army and Navy be unified into a single Department of Defense which would be headed by a Secretary of cabinet rank, and who would be assisted by the service secretaries.

It was not until February of 1923 that Harding responded to Brown's report and recommendations; Harding's response was negative. Harding's reaction to the Willoughby-Brown proposal seems to have set the stage for the Joint Committee's hearings which were begun

in January of 1924.¹³

The first three witnesses to appear before the Committee were John W. Weeks, Secretary of War; Edwin Denby, Secretary of the Navy; and W. F. Willoughby. Both service secretaries spoke against unification relying on three major arguments which are summed up well by Paul Hammond:

- 1) The proposal challenged the integrity of the military departments as viable organizations.
- 2) The proposal rejected the military standards of organization and support in favor of private business standards.
- 3) By overestimating the prospects for reduced costs the proposal encouraged irresponsible budget cutting.¹⁴

The overriding theme of the Secretaries' testimony was that the unification concept would adversely affect military effectiveness.

Willoughby, of course, argued for unification, but when it became obvious that only he and Chairman Brown favored unification, discussion of that issue was all but terminated. In the Committee Report to Congress in June of 1924, unification of the War and Navy Departments was not even mentioned.¹⁵

Clearly, a second, but major force pushing for unification, and another reason for War Department opposition, was the movement for the creation of an autonomous Air Force. The substantial role of the Air Force in World

War I provided the ammunition for much of the argument to remove the Air Corps from the Army and War Departments entirely, and make it a separate and equal service. At the War's end, the momentum for a separate Air Force increased. Aviators who had served in the War came home to tell the Congress and the nation of what they considered to be the decisive role of the Air Force, and rendered predictions of the importance of the Air Force in future wars. These aviators argued that if the Air Force was not separated from the traditionally land-minded War Department, it would never be able to develop properly.¹⁶

The agitation for a separate Air Corps was substantial enough to warrant a congressional hearing that dealt exclusively with that question. The hearings, which began in December of 1919, were held by a subcommittee of the House Military Affairs Committee. Both the War and Navy Departments maintained the position that the loss of their aviation arm would hamper the ability to accomplish their missions at sea and on the ground. In addition, both Departments argued that adding a third Department would compound already existing problems in military coordination.¹⁷ The Army had an additional reason for opposing a separate Air Force. It feared that the more glamorous Air Service would receive greater attention from the

Congress, and consequently the greater budget appropriations.¹⁸

Brigadier General William Mitchell, already the most outspoken advocate of creating a separate and equal Air Force, fielded at least the first of these arguments by stating that the Army's and Navy's concept of military aviation was aviation for observation purposes only, which constituted "only a twentieth part of the whole."¹⁹ Mitchell could not, however, dismiss as easily the second objection concerning the problem of military coordination, and during these hearings relied on the argument of the President's power as Commander in Chief to coordinate the services.

During these hearings the line-up of opponents to Air Force autonomy became clear; the Secretaries of War and Navy, and all non-flying Army officers and Naval officers opposed an autonomous Air Force. The only proponents were Army aviators and former Army aviators with Mitchell as their spokesman. In the end, no action was taken or recommended on the issue by the House subcommittee and the Air Corps remained the Army's property.

The "separate" Air Force advocates continued to press their case however, and in 1924 -- amid rumors of irregularities in awarding airplane contracts -- the House

created a Select Committee to investigate the alleged irregularities. When the evidence suggested that no such irregularities existed, the Committee then concentrated on the question of a separate Air Force.²⁰

Once again, Brigadier General Mitchell answered the objections of the autonomous Air Force opponents. Once again, he charged the War and Navy Departments with inhibiting the growth and potential of aviation, but perhaps more importantly, he now was prepared to answer the objection concerning the difficulty of military coordination. By suggesting that such difficulties could be avoided if all services were to be located within a single Department of National Defense, Mitchell tied the question of an autonomous Air Force to the issue of military unification.

The Select Committee filed a report in December 1925, which although upholding the opponents of a separate Air Force, did call for the creation of a Department of National Defense to be headed by a single civilian Secretary of cabinet rank.²¹

In the 69th Congress, which convened in December 1925, several bills were introduced calling for either a separate Air Force, or a unification of the services, or both. While it appeared that strong sentiment for some kind of legislation dealing with these problems existed in the

Congress, opposition to both Air Force autonomy and unification by President Calvin Coolidge mitigated that sentiment.²² Ultimately, the Congress passed the Air Corps Act of 1926 which made some concessions to Air Force advocates, but did not provide for either a unified military structure or a separate Air Force.²³ After the passage of the Air Corps Act of 1926, the movement for unification lost some momentum. Between 1926 and 1944, there were several proposals to unify the Army and Navy, almost all of which were conceived during the economic depression of the 1930's as a method for government economy. However, in this time period, there was only one congressional hearing to consider three bills which were introduced in December of 1931. The House Committee on Expenditures in the Executive Departments convened to consider these three bills in January of 1932.²⁴ The familiar pattern of Army and Navy opposition was repeated. War Secretary Patrick Hurley and Navy Secretary Charles Francis Adams both argued that unification would not save significant sums of money, and that if it did, it would be at the cost of significantly reduced combat effectiveness.²⁵

While none of the bills considered by the House Committee were ever reported to the Congress, one of those

bills (H.R. 4742) became Title VI of the so-called Economy Bill of 1932, which was considered by the Congress in late April of 1932. Title VI called for the creation of a Department of National Defense, headed by a civilian Secretary, and authorized that Secretary to consolidate the aviation aspects of the Army, Navy, and Marine Corps.²⁶ The Economy Act of 1932 passed, but not before the unification provision (Title VI) was omitted from the bill on the floor of the House by an eighteen vote margin. Once again the War and Navy Departments' opposition was successful.

The controversy over unification of the services would now remain almost a "dead" question until 1943, but the issues of economy and efficiency in government, and the movement for an autonomous Air Force set the stage for the next phase of the unification controversy. These two issues were to be two of the three principal problems to be faced, and the resolution of these issues was in part responsible for the way in which the National Security Act of 1947 was written. The third issue of significance to the 1947 Act is that of military coordination, itself an old issue which had never been satisfactorily resolved.

The reconstituted Joint Army-Navy Board functioned

relatively effectively. Between 1919 and 1937, the Board considered about 600 cases. It is significant that these cases were non-controversial and resulted in agreements that were satisfactory to both services.²⁷ Nonetheless, many observers concurred with Secretary of War Weeks' judgement that a high degree of effective cooperation and coordination of the Army and Navy was achieved through the Joint Board.

Until 1939, the Board was required to report all decisions and recommendations to the Secretaries of War and Navy for approval before any action was taken by the services. But in July of 1939, with the threat of general war in Europe, President Roosevelt directed the Board to by-pass the service secretaries and report directly to him on matters concerning military operations, strategy, and tactics.²⁸

World War II and Military Unification

The Joint Chiefs of Staff evolved from the Joint Army-Navy Board in late December of 1941. Winston Churchill, accompanied by his top military advisors, the British Chiefs of Staff, came to Washington to confer with Roosevelt on a coordinated effort to combat the Axis powers. Roosevelt convened the United States Chiefs of

Staff in order to aid and advise him in these negotiations. Roosevelt suggested that they present a common front in order to negotiate with the British successfully. The committee of the United States Chiefs of Staff continued to meet throughout the war and replaced the Joint Board as a matter of practicality. The Joint Chiefs of Staff -- as it began to be called -- was never really authorized by the President or Congress.

The Joint Chiefs of Staff had two primary responsibilities during World War II: 1) they constituted the American representatives to the combined (American-British) Chiefs of Staff, and as such, were responsible for negotiating with the British Chiefs of Staff all matters pertaining to Joint American-British efforts of the War; and 2) the Joint Chiefs constituted the highest command authority (subject only to the President) and planning group for all American forces. With these responsibilities the JCS met weekly and more often if necessary. Decisions were reached unanimously. (All members had to agree on a proposed solution to a particular problem or the solution was not implemented.) The Chiefs of Staff accepted the principle of mutual cooperation between them -- as such the Joint Chiefs of Staff had no real authority over any of the services.²⁹

The fact that Roosevelt almost never overruled the Joint Chiefs suggests that the principle of mutual cooperation worked relatively well during the War. However, there is evidence to suggest that once the basis of mutual cooperation was depleted, i.e., when the need of the American military to present a common front to their British counterparts was ended (after the military objectives in Europe were completed), the interservice cooperation and coalition quickly dissolved. In addition, the mutual cooperation principle never applied to agreements on arms, ammunition, and material requirements in general. The services always insisted on a free and independent hand in determining their own procurement policies and requirements.³⁰

Perhaps as a remedy to this situation, on November 3, 1943, General George C. Marshall, the Army Chief of Staff, introduced a proposal to the Joint Chiefs calling for a "single Department of War in the post-war period."³¹ Included in this proposal were provisions for the institutionalization of the Joint Chiefs of Staff, which Marshall referred to as the "United States General Staff (Joint)." Marshall argued that unification was necessary in order to avoid duplication of efforts by the services. Furthermore, he believed that the Joint Chiefs should be included in the unification program in order to avoid the shortcomings of

"coordinating committees" which were a "cumbersome and inefficient method of directing the efforts of the Armed Forces."³² While the Joint Chiefs of Staff agreed to study Marshall's proposal, the proposal's future was dubious in light of continued Navy opposition. However, General Marshall's departure from the traditional War Department stance of opposition to military unification was duly noted. Within four months a resolution was introduced in the Congress by a long-time War Department ally, Representative James W. Wadsworth, calling for the creation of a House "Select Committee on Post-War Military Policy" to investigate all matters relating to the post-war military requirements of the United States, "... and to report to the House ... from time to time ... the results of findings made and conclusions reached."³³

Two weeks later the resolution was passed by the House, and Representative Clifton A. Woodrum was designated to chair the Committee. The Woodrum Committee began its hearings one month later, on April 24, 1944, starting with "Item No. 3": "A study of the development of unity of command as practiced during the present war, with a view of determining to what extent that unity of command and administration may be developed and applied as part of future military policy."³⁴

However, Chairman Woodrum made it clear from the outset that the purpose of the Committee's investigations was not to propose specific legislation to the House, but rather that the Committee was only to investigate and study the problem before it, so that it could report to the House broad policy recommendations. Fearing that any change in military organization during the war would upset the war effort, the committee hoped that there would be no action on its recommendations until the conflict had been terminated.³⁵

Representatives of the War Department were the first witnesses called to testify before the Woodrum Committee; without exception, these witnesses spoke favorably about unification of the armed forces into a single executive department. This showing clearly marked the official reversal of the War Department's policy of opposition to military unification which had been present since the early part of the century. There is no easy explanation of the War Department's change of policy. However, two of the Army's major objections to unification -- which had taken root in the controversies of the 1920's and continued to be standard objections throughout the interwar period -- appeared to be no longer justified or at least much of their persuasiveness had been lost by 1943. The

first objection was that the principle of unity of command would be violated if the Air Force was made an independent force. The second objection centered around the Army's fear that the savings in expenditures resulting from unification would adversely affect its efficiency and lead to financial rivalry with the Air Force, thus jeopardizing appropriations for present and future programs.

It seemed apparent to the War Department that an independent Air Force would finally emerge at the end of the War; several observations lent credibility to this Army perception: 1) the President had made a commitment to a very ambitious aircraft production program; 2) the growing size of the Air Force; and 3) the Air Corps representation on both Marshall's staff and within the Joint Chiefs of Staff.³⁶ Historically, the traditionalist leadership of the War Department viewed an autonomous Air Force as a direct competitor for limited resources in appropriations from the Congress. The Army always assumed that Congress viewed Army and Army Air Corps appropriations as complementary to each other. Now, however, the War Department saw unification -- and consequently triplication -- as a means by which it could avoid direct competition with an air arm for appropriations. In addition, it also appeared to the Army that both the Navy and the Air Force had

favorable positions regarding future treatment by the White House and the Congress; unification again seemed now to be in the Army's interest since it increased the probability of meeting questions concerning future military postures in a consolidated military environment where the Army could be on equal terms with the Navy and Air Force.³⁷

In view of the Army's calculations of future events, the War Department presented to the Select House Committee a plan for a single military department. General Joseph T. McNarney, the Army's Deputy Chief of Staff, made the presentation. The Plan called for a Secretary of the Armed Forces as the head of an executive department consisting of the would-be newly created Air Force, Navy, Army and a separate common supply service. Each of these departments was in turn headed by a civilian Under Secretary with the exception of the supply department which was to be headed by a military "director." Included also in the Plan was a Joint Chiefs of Staff composed of a Chief of Staff for each service, and the Director of Common Supplies. The Joint Chiefs would be responsible for recommending to the President the allocations of the military budget.³⁸ After Assistant Secretary of War for Air, Robert A. Lovett, appeared as an outspoken witness for unification, Navy Department personnel began to appear before the Committee.

The first Navy witness to appear was Under Secretary of the Navy, James V. Forrestal. While Forrestal did not directly oppose military unification for the post-war period, he made it clear that the Navy was not prepared to accept unification immediately, and certainly not without "an objective and detailed study."³⁹ Forrestal's remarks set the pace for other Navy witnesses, none of whom opposed the principles of unification per se, but all of whom raised questions about the unification plan presented by the War Department, and in general made it clear that the Navy was unhappy about unification.

The Woodrum Committee ended the hearings on the unification question on May 19, 1944. A month later the Committee filed a short report to the Congress which provided a summary of the proceedings and ended with the admonition that the time appeared to be inopportune to consider any detailed plans for military unification, and that (adopting the Navy's point of view) more study would be both necessary and desirable and should be conducted when the Congress could receive the benefit of counsel from military commanders presently in the field and therefore unavailable.⁴⁰

While it appeared to many observers that the Committee Report represented a victory for the Navy, Forrestal, then

Secretary of the Navy, maintained the conviction that the Army would, in the long run, be victorious because it had convinced both the Congress and the public of the need for a unified military establishment.⁴¹ At the same time, however, it was Forrestal's contention and that of other high ranking Naval officers that Roosevelt -- given his background as an Assistant Secretary of the Navy -- would not permit any unification action that would be adverse to the Navy. The Woodrum Committee Report seemed to put the issue to rest for at least as long as the War continued.

Truman and Military Unification

Franklin Roosevelt died on April 12, 1945 and Harry Truman, a man already on record as a strong advocate of military unification, assumed the Presidency.⁴² Forrestal believed that the Navy was once more in the position of having to defend and protect itself from proponents of unification. His first priority appeared to be the "education" of the President. Secondly, the Secretary concluded that the running debate between the services served no useful function and that it would be advantageous to meet with the Army and try to reach an agreement as to the post-war military organization. Forrestal did arrange for

an informal discussion between himself, Admiral King, General Marshall, and Harry Hopkins, but no accord was reached because General Marshall was, in Forrestal's words, "unshakably committed to the thesis of a single civilian secretary with a single military Chief of Staff."⁴³

Forrestal finally decided -- with the urging of Senator David I. Walsh, the Chairman of the Naval Affairs Committee -- that the Navy must pursue a more positive course rather than only objecting to recommendations of the War Department. Forrestal recorded in his diary the text of a letter to Ferdinand Eberstadt, the man he had chosen to conduct a comprehensive study for the Navy Department concerning unification. Eberstadt was directed to give his attention to three essential questions:

- 1) Would unification of the War and Navy Departments under a single head improve our national security?
- 2) If not, what changes in the present relationships of the military services and departments has our war experience indicated as desirable to improve our national security?
- 3) What form of post-war organization should be established and maintained to enable the military services and other government departments and agencies most effectively to provide for and protect our national security?⁴⁴

The Eberstadt report was completed in just over three months and represented the most searching study up to that point. While the report was not really a Navy report (in that Eberstadt accepted the assignment from Forrestal on the understanding that the study group would reach conclusions based on their findings and not on the Navy's disposition),⁴⁵ it did reflect the views of Forrestal and other Navy officers. The report concluded that the plans for unification put before Congress thus far did not meet the "urgent military need" for internal reform and that these plans also failed to provide "stronger organizational ties" between the military services and other agencies in government concerned with national security.⁴⁶ This latter point conformed the Forrestal's long standing argument that there must be an institutionalized manner of coordinating military policy with civilian operations of foreign policy.

In order to accomplish this important goal, Eberstadt recommended that the Joint Chiefs of Staff system be continued without, however, the authority over the budget as had been suggested by the War Department Plan. He also recommended the establishment of a Council to be chaired by the President with the Secretaries of State, War, Navy, Air, and the Chairman of a newly created National Security

Resources Board as participating members and whose function it would be to "formulate and coordinate overall policies in foreign and military affairs and advise on the combined military budget"⁴⁷

The Eberstadt report was to make its mark. Many of the recommendations of that report were to be incorporated into the final legislation of unification, the National Security Act of 1947. In the meantime, Forrestal used the Eberstadt study to present an alternative to yet another War Department unification plan which was presented to the Military Affairs Committee of the Senate which began hearings on October 17, 1945 to consider two unification bills (neither of which were ever really discussed by that Committee or by the witnesses that testified before that Committee). This new plan was presented by Lieutenant General J. Lawton Collins. The Collins Plan called for the creation of a Department of Armed Forces to be headed by a civilian Secretary at the cabinet level, who was to have as a principal advisor, the Chief of Staff. The Chief of Staff was to be the liaison between the military chiefs of the three services -- who would be responsible for the administration of their services.⁴⁸ No civilian secretaries were provided for in the Collins Plan. Advocates of a separate Air Force wholeheartedly endorsed the

Collins Plan. Their testimony suggested that Navy opposition to unification had to be overcome because it was holding back the development of the Air Force which was -- or would soon be -- the nation's first line of defense.

As already suggested, Forrestal presented the Navy's case to the Committee, arguing that the Collins Plan did not provide a "... comprehensive and dynamic program to save and strengthen our national security."⁵⁰ He favored the Eberstadt report as a much more comprehensive plan, but insisted the problem still needed further study. One of the persistent themes of Forrestal and other Navy witnesses concerned control of the new unified department. The Navy contended that the Collins plan was contrary to the American tradition of civilian control of the military. Assistant Secretary of the Navy, H. Struve Hensel, in his testimony to the Committee on November 7, 1945, argued persuasively that the Collins Plan would effectively reduce civilian control of the military.⁵¹

While it cannot be stated unequivocally, the Navy's constant insistence on the above point, and perhaps in particular Secretary Hensel's testimony caused the Army to reconsider the Collins Plan. General Eisenhower came before the Committee on November 16 and said that the War Department would accept an Under or Assistant Secretary at

the head of each service. He stated that he disagreed with the place and the role of the Chief of Staff as a link between the Secretary and the military heads of each service. Rather, Eisenhower suggested that the Chief of Staff be only an advisor to the Secretary and that he be removed from the chain of command.⁵²

Several members of the Military Affairs Committee expressed their pleasure with the changes in the Collins Plan. However, the Navy was still not prepared to accept it. On December 13, Secretary Forrestal returned to the Committee and formally presented the Eberstadt report. It was clear that no legislation would result immediately from the hearings and on December 17, the hearings were ended.

Two days later on December 19, 1945, President Truman sent his special message to Congress recommending the establishment of a single Department of National Defense. Precisely why President Truman decided to push hard for unification of the military services and why he decided to do so at the time that he did is uncertain. There is some evidence to suggest at least two major reasons why the President favored military unification.

First, Truman read the Pearl Harbor tragedy largely as a "result of the inadequate military system which pro-

vided for no unified command, either in the field or in Washington."⁵³ Secondly, Senator Truman's chairmanship of the Special Senate Committee, which was created in 1941 to investigate and check up on the national defense program, made him fully appreciate "the extent of the waste and inefficiency existing as a result of the operation of two separate and uncoordinated military departments...."⁵⁴ Truman stated that he

... had long believed that a coordinated defense organization was an absolute necessity. The duplication of time, material, and manpower resulting from independent Army and Navy operations which were paraded before my Committee intensified this conviction.⁵⁵

Concerning the timing of Truman's special message to Congress, it was known that there were powerful members of Congress united in their opposition to a unification plan. At a cabinet luncheon on December 18, 1945 -- the day before Truman's message to Congress, Postmaster General Robert E. Hannegan expressed his reservations concerning Truman's decision to send his message to Congress. In view of the opposition, Hannegan felt that "the President was inviting an unnecessary [political] fight which he might lose, with the resultant loss of prestige."⁵⁶ Why then did Truman choose the time that he did (December 19, 1945) to encourage military unification?

As has already been established, Senator and then President Truman maintained a strong conviction in regard to the need for unifying the military establishment. Up until his December 19 message, he had remained publicly silent on the unification controversy that was already in progress. The Senate Military Affairs Committee hearings that had just ended served only to heighten and intensify the pro-unification War Department anti-unification Navy Department conflict, and made no appreciable progress toward enactment of a unification bill. The hearings did make clear, however, that there was some sympathy for a unification bill in Congress.

Perhaps, this is one reason Truman decided to act when he did -- to take advantage of the immediacy of the issue and some sympathetic Congressmen. In addition, Truman's personal conviction of the need for unification of the services may have prompted him to intervene when he saw that the Senate hearings produced nothing but continued stalemate.⁵⁷

All of this, however, must be placed in the context of what Seyom Brown calls "the shattering of expectations."⁵⁸ Clearly, high ranking United States officials emerged from World War II with the common view that survival of the world required the strengthening of, and

greater reliance upon, international institutions of social control. The Administration carefully began preparing the public and the Republican party leadership to accept the "premises on which the new post-war diplomacy would be based."⁵⁹

Brown cites three essential expectations of government officials in a simplified public version:

- 1) The expectation that important international disputes would henceforth be settled by reasoned debate leading to an expression of majority will through the United Nations.
- 2) The expectation that in important international disputes the Big Five (the U.S., the Soviet Union, Britain, France, and China) would usually find themselves on the same side, i.e., the veto would be an exceptional, rather than a frequently used device.
- 3) The expectation that any required sanctions against international lawbreakers would be organized by this international community.⁶⁰

Yet, these expectations were rapidly diminishing -- at least within the Administration, relations between and among the wartime allies were becoming more and more strained, especially between the United States and the Soviet Union.

James Forrestal recorded in his diary this deterioration of Soviet-American relations, and the changing

attitudes of many of Truman's lieutenants. For example, an entry in the diary dated April 20, 1945 recounts a conversation between Forrestal and Averill Harriman, the American Ambassador to the Soviet Union. Forrestal reports that Harriman "stated his strong apprehensions as to the future of our relations with Russia unless our entire attitude toward them became characterized by much greater firmness."⁶¹

The April 21, 1945 entry to the diary speaks of a dinner conversation between Forrestal, Admiral Leahy, and Anthony Eden. Eden, according to Forrestal, was "quite gloomy about the Russians."⁶²

On April 23, 1945, President Truman called a meeting at the White House with top cabinet officials and other advisors. At this meeting the Secretary of State made the announcement that discussions with Molotov were developing "most unsatisfactorily." The point was made that the Russians had receded from their agreements concerning Poland and this was by no means an isolated incident but part of a pattern; Russia had taken similarly contrary positions with regard to Bulgaria, Rumania, Turkey, and Greece.⁶³

Truman met with Molotov at the White House immediately after the afternoon meeting with his cabinet. Ac-

According to published reports Truman was blunt and "not at all diplomatic." At Potsdam in July, Truman saw and experienced more evidence to affirm the conviction of Soviet noncooperation.

Yet Truman resisted the urgings of his advisors to make public these difficulties with the Russians. According to Seyom Brown, the President felt that

Too candid a public presentation of the internal government perception of the Soviet drive for power ascendance might shock the public into total abandonment of the laborious effort to build up transnational institutions. This would be tragic; since such institutions if strengthened by support of most of the peoples of the globe, were truly regarded by the United States as the best hope for peace.⁶⁴

Truman's problem was that if he failed to inform the public and Congress of the perceived Soviet "power drive," he would have great difficulty extracting from the Congress the appropriations for stop-gap military and economic measures that might be necessary to convince the Russians to moderate their behavior. In short, Truman feared that any public pronouncement concerning difficulty with the Russians would yield a shattering of expectations on behalf of the public and Congress. On the other hand, however, Truman saw the necessity of standing up to Soviet power plays.

The concept of a unified military organization can be seen in the context of the dilemma just described. There is evidence to suggest that while Truman was unwilling to reveal these perceived threats to the nation he was also trying to prepare the nation against this potential enemy. In his special message to Congress concerning unification of the military he said:

One of the lessons which have most clearly come from the costly and dangerous experience of this war is that there must be a unified direction of land and sea and air forces at home as well as in other parts of the world where our armed forces are serving.⁶⁵

Truman argued, in the same message, that the Joint Chiefs of Staff did not constitute a unified command; rather, he regarded them only as a committee whose success depended on voluntary cooperation. While cooperation did in fact exist during the war, conflicting interests over ever tightening defense appropriations during peacetime would make cooperation very much more difficult. Perhaps Truman's reading of Soviet behavior and actual and potential Soviet-American conflict prompted him to push for a formally unified military organization and caused him to intervene when the Senate hearings of October-December on unification brought no results. But, as has been demon-

strated, the controversy surrounding unification had been on again off again for many years and was not likely to be resolved now -- even with Truman's intervention -- without more conflict and eventual compromise.

The President's intervention did produce some results; the publicly aired debate between the Army and Navy over unification diminished as the Navy took the President's message as a cue to restrict their statements to testimony before congressional committees. Another result was an almost immediate congressional effort by the Senate Military Affairs Committee to write a unification bill that would be satisfactory to both the Army and the Navy; a subcommittee was appointed in late December of 1945 for that purpose.

The subcommittee met in executive session for almost three and one-half months trying to produce a compromise unification bill: the ninth draft of that effort was introduced as the Thomas-Hill-Austin bill on April 8, 1946. The hearings that were held by the Senate Military Affairs Committee on the unification effort revealed several major Navy objections. These objections were very well summarized by Hanson W. Baldwin of the New York Times:

- 1) The Navy opposed the creation of a single military Chief of Staff for all the armed services. Its con-

tention was that no single military commander should intervene between the President, as Commander in Chief, and the armed services. In short, the Navy wanted to continue the Joint Chiefs of Staff system, even with the recognized disadvantage of debate and compromise, rather than risk control by one man.

- 2) The Navy believed that the services must continue to be responsible for their own administration and supply, even if there is a Secretary of Common Defense.
- 3) The Navy was concerned about the future of the Marine Corps and also wanted to make its own aviation, including the land-based aviation operations necessary for over-water patrolling and antisubmarine duties.⁶⁷

The bill considered did not meet these Navy objections, and every Navy witness that appeared before the Committee opposed the bill. Clearly, still further compromise was necessary. While the Navy curtailed its public opposition to the unification plan, it had very strong support in Congress.

Truman intervened again. On May 13, 1946, he summoned Secretary of War Patterson and Secretary of the Navy Forrestal to the White House for a conference at which he impressed upon them his desire for a unification bill. On May 31, Truman received a joint letter from the two secretaries outlining their areas of agreement and disagreement.

Truman was of the opinion that the only way unification would become a reality was if he personally settled the areas of disagreement.⁶⁸ On June 15, 1946, Truman made the following decisions which he transmitted by letter to the Secretaries of War and Navy: he supported the War Department's position on a single Department of National Defense and an autonomous Air Force, including all land-based aviation for antisubmarine and reconnaissance patrol; he supported the Navy in their insistence on retaining the Marine Corps as part of the Navy. Within six months, Patterson and Forrestal reported to the President that they had worked out a compromise bill which they could both support. On February 26, 1947, President Truman sent this compromise bill to Congress and on July 25, 1947, some nineteen months after Truman's special message to Congress, the National Security Act of 1947 was passed, but not before ten weeks of hearings by the House's Committee on Expenditures in the Executive Departments. The reports of these hearings to their respective chambers made it very clear that the bills they were reporting out were indeed both controversial and compromised.⁶⁹ They were controversial in that the hearings produced a wide range of opinion about unification, and they were compromised in that the bills being reported made every effort to respond

to the specific demands of the interested parties. To make this latter point clear to members of the Congress who were concerned about a particular branch of the military and the effect which unification would have upon it, the House report stated:

Your committee has been mindful of the personal element involved in making changes in our military services. The high morale, the esprit de corps, the long record of valorous and useful service of all elements of the armed forces is fully recognized and appreciated. The need for the preservation of the integrity of elements of the Army, Navy (including naval aviation and the Marine Corps), and Air Forces for future efficiency has received your committee's most careful attention. With these conclusions as a basic blueprint for its work, your committee has earnestly endeavored to produce a legislative framework capable of meeting our modern defense requirements.⁷⁰

The following chapter will look at these reports in greater detail for purposes of analysis of the National Security Act.

The National Security Act of 1947, as can be seen from the historical record, was the result of a long process of political give and take. The compromises finally struck among competing groups enabled the passage of the Act. However, the consequences of those compromises -- an inadequate organizational structure and an unclear decision-

making hierarchy -- would soon be felt. The National Security Act was a significant element in accounting for severely diminished congressional influence on critical decisions concerning weapons development and procurement policies.

An analysis of the National Security Act of 1947, the organizational structure established by that Act, and the argument that the congressional decline of power vis-a-vis the executive is causally related to that legislation, are the subjects of the next chapter.

CHAPTER THREE

AN ANALYSIS OF THE NATIONAL SECURITY ACT OF 1947 AND EVENTS LEADING TO THE AMENDMENTS OF 1949

Introduction

The purpose of the next two chapters is to present an analysis of the National Security Act of 1947 and its major amendments. The analysis is aimed at demonstrating that the compromises necessary to enact the legislation created the conditions under which the balance of congressional-executive power to make critical decisions concerning the development of military weapons systems became significantly tipped in favor of the executive.

This paper contends that the expansion of civilian authority in the Department of National Defense (later changed to the Department of Defense) and the consequent congressional diminution of power and influence in decisions concerning military weapons were directly related to the compromises necessary to enact the National Security Act of 1947. In addition the argument will be advanced that congressional participation which was limited to that of spokesman for the military services also could be

anticipated from that legislation and can be traced to the compromised nature of the Act.

Specifically, it will be argued that Congress granted to the Executive Branch an extraordinary degree of centralized authority and power in an effort to correct the deficiencies of the original legislation and thereby meet the objectives of economy and efficiency in government spending and overall coordination of the military services. As the Congress granted greater centralized authority to the Executive Branch it unwittingly reduced its own influence and power in matters relating to national defense. Congress' failure to correct another shortcoming of the original legislation, triplication instead of unification of the military services, insured that Congress would be the forum of service complaints about maltreatment by the centralized civilian authority in the Department of Defense thus preserving the traditional but not very potent congressional role of spokesman for the military services.

An Analysis of the National Security Act of 1947

As was suggested in the previous chapter, the National Security Act of 1947 was steered through Congress and signed by the President in a form acceptable to the Army and Navy. It was a compromise that reflected the histor-

ical issues already discussed. The Declaration of Policy of the National Security Act (Section 2), which was not included in the original legislative proposal sent to the Congress by President Truman but which was added by the Congress, clearly illustrates the degree of political bargaining and compromise that was necessary to enact the bill:

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, 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.¹

It is obvious that the committees and Congress worked hard to respond to the objections to unification raised by Secretary Forrestal and the Navy. In the brief Declaration of Policy, the Congress answered the major Navy objections: 1) "a comprehensive program ... to provide for

integrated policies ... relating to national security"; 2) assurances of service autonomy for operation and administration; 3) assurances that the Navy would retain its air arm; and 4) assurances that the Marine Corps would remain the property of the Navy.

The Declaration of Policy served other functions; the reports of both Committees to their respective chambers included an explanation for the Declaration of Policy. The Senate's Committee on Armed Services report stated that "the declaration of policy ... was inserted by the committee in order to outline in clear and accurate language the intent of the Congress in regard to the National Security Act of 1947."² The report went on to reiterate the intent of Congress which was to establish "... three independently administered military departments ..." with provisions for "... their authoritative coordination and unified direction, but not merger, under civilian control."³

The House report from the Committee on Expenditures in the Executive Departments also emphasized that the declaration of policy was included "... in order that it be clearly shown ..." what the intent of Congress was in this legislation. The Committee used that section of its report to provide assurances that "... the traditional

superiority of civilian authority over the military within the Government is not being altered."⁴

Both the Senate and House committee reports identified what was considered to be one of the principal problems regarding national security that the legislation was designed to correct; the need for "... close coordination between foreign policy and military policy, between industry and science and the armed forces."⁵ In order to carry out the coordination of national security policies between the military and other departments and agencies of government concerned with national security, Congress, in Title I of the Act, provided for three new agencies: The National Security Council; The Central Intelligence Agency; and a National Security Resources Board.

The National Security Council was charged with the responsibility to "advise the President with respect to the integration of domestic, foreign and military policies relating to the national security so as to enable the military services and other departments and agencies of the Government to cooperate more effectively in matters involving the national security."⁶ The membership of the Council included the President, the Secretary of State, the newly created Secretary of Defense, the Secretaries of the Army, Navy, and Air Force, and the chairman of the

National Security Resources Board. The House Committee report points out that the National Security Council represents the first time in American history that there exists a "... means of bringing together the responsible heads of Government charged with recommending and carrying out our foreign policies after making a careful appraisal of our domestic and military potentials."⁷ The Senate Committee report emphasized that the Council was essentially an advisory body to the President.⁸

Section 102 of the Act provided for a Central Intelligence Agency "for the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security"⁹ The Agency was placed under the "supervisory authority and responsibility" of the National Security Council. Neither the original bill submitted by President Truman to the Congress, nor the Senate version of that bill, S. 758, contained provisions limiting the power of the Agency. The House Committee, however, wrote in provisions prohibiting the CIA from exercising internal police powers or having the power of subpoena.¹⁰

The National Security Resources Board was established to "advise the President concerning the coordination of military, industrial, and civilian mobilization"¹¹

The House report observes that the creation of this Board would place the President "... for the first time, in a position to evaluate realistically our resources, capabilities, and risks in relation to our domestic, foreign, and military policies."¹²

In the long hours of debate on the National Security Act in each chamber of Congress, relatively little time was expended on Title I of the proposed legislation, which included the three organizations discussed above. Most of the discussion concerning Title I, focused on the Central Intelligence Agency. More specifically, there was concern that the military would control the Agency which was given "great powers and operates in secret."¹³ In order to protect against the possibility of military control, some members of Congress argued that the Director of the Agency must be a civilian. Anticipating this suggestion, the Senate Committee's report stated:

In view of the fact that certain officers of the armed services have had wide experience in handling the type of intelligence with which this agency will be largely concerned, the provision of the bill to permit the Director of Central Intelligence to be appointed from the armed services as well as from civilian life is most desirable. During the Agency's formative years, it is essential that its Director be technically the most experienced and capable obtainable, re-

ardless of whether he is appointed from civilian or military life.¹⁴

On the floor of the House, however, Representative Walter Judd offered an amendment which would make a commissioned officer ineligible to hold the post of Director of the Agency until he has resigned his commission or retired from the military. After some debate, Representative Clarence Brown offered a substitute amendment requiring that the Director be appointed from civilian life. Mr. Judd accepted the substitute amendment and so did the House.¹⁵

A Conference Committee was established to reconcile differences between the House and Senate versions of the National Security Act. With regard to the provisions for the Director of the CIA, the House bill required that he be a civilian while the Senate version called for the appointment of either a civilian or a member of the armed forces. The Conference Committee settled the issue by allowing the Director to be appointed from either civilian life or military life, but added a stipulation to the bill which stated that if the Director of the Agency was from the armed forces, he would not be subject to supervision from the armed forces in any form.¹⁶ Both the House and Senate agreed to the Conference Committee's recommendation.

It is imperative to note for support of the thesis that Congress in the National Security Act legislated away a good deal of its authority and influence in decisions concerning national security because in creating organizations for the coordination of national security, the Congress made these organizations responsible to the President. He was to appoint the personnel to head and direct these groups, and they in turn were responsible only to him. The Congress did not establish any role for itself in connection with these organizations not even for the "Resources Board" which was specifically charged with developing policies and programs to arm and supply the United States military,¹⁷ a responsibility charged to the Congress by the Constitution of the United States. Congressional participation in the organizations established to coordinate matters of national security was hardly touched upon in the floor discussion and debate over this bill. One amendment concerning congressional participation was offered to the House by Representative Thomas Owens of Illinois just before the final vote on the bill. Mr. Owens wanted recommendations and reports made to the President from the National Security Council to be made available to the Speaker of the House of Representatives and the President of the Senate. Owens' amendment stipulated

that the information be "confidential and not of public record." Representative Owens supported his amendment with the following argument:

... I am pointing out that this bill would create a council such as we have not had in the history of our Government. There has not been one word said about the Congress, the representatives of the people themselves, having one word to say about the plans that are being made 1 year or 2 or 3 or 4 years ahead. By this amendment, I say that the recommendations and reports that are made to the President shall, upon request of the Speaker of the House of Representatives or the President of the Senate, be forwarded to them, and it shall be confidential and not of record so that they will at least have the information and be able to act upon it should it be necessary.¹⁸

There was no discussion or debate on Mr. Owens' proposal and the amendment was rejected.

There was a great deal of discussion and debate, however, on various aspects of Title II of the Act which created the National Military Establishment. The National Military Establishment consisted of a Department of the Army, Department of the Navy, a newly created Department of the Air Force, the Joint Chiefs of Staff, War Council, Munitions Board, and a Research and Development Board, all under the Secretary of Defense. The reports of both Committees to their respective Houses of Congress empha-

sized the need for a "full-time civilian official," under the President, "to assist him in the performance of his onerous duties as Commander in Chief of the armed forces."¹⁹ The Secretary of Defense was charged with four major responsibilities:

- 1) Establish general policies and programs for the National Military Establishment and for all of the departments and agencies therein;
- 2) Exercise general direction, authority, and control over such departments and agencies;
- 3) Take appropriate steps to eliminate unnecessary duplication or overlapping in the fields of procurement, supply, transportation, storage, health, and research;
- 4) Supervise and coordinate the preparation of the budget estimates of the departments and agencies comprising the National Military Establishment; formulate and determine the budget estimates for submittal to the Bureau of the Budget; and supervise the budget programs of such departments and agencies under the applicable appropriation Act.²⁰

It is clear, from both the committee reports and floor statements in the Congress during debate and discussion of the bill, that the Secretary of Defense was viewed as being the pivotal position in bringing about coordination of the military services and economy and effi-

ciency in their operation. Representative James Wadsworth of New York, in the first speech on the bill in the House, made this statement:

The Secretary of Defense is charged under this bill with certain very important duties ... suffice it to say that in his hands will be the duty of bringing about through power possessed by himself a proper coordination of all the elements in the Military Establishment. It will be his duty to see to it that overlapping and duplication are eliminated in order that economies may be effected and efficiency increased. It will be his duty to coordinate all these agencies I am about to describe to you.²¹

Many opponents of the legislation in the House and the Senate argued that the Secretary of Defense was given too much power. They expressed concern that the Secretary could become a military dictator or czar. In anticipation of this argument by opponents of the legislation, and in answer to the charge that the Secretary of Defense would discriminate against one or the other military services, or completely submerge all of them, the committee reports made specific reference to the limitations on the Secretary's power:

The Secretary's powers do not extend within the military departments themselves in matters of administrative procedures peculiar to and affecting only an individual department, nor do

they include the delineation of functions (roles and missions) for the armed forces.²²

To emphasize the limited role of the Secretary of Defense, Senator Chan Gurney, Chairman of the Senate Armed Services Committee and floor manager of the bill, made the following statement on the floor of the Senate:

Some have feared that this Secretary would be a meddler who would tamper with our military departments. Even a casual reading of the bill will disclose that the administration of the departments will be left to their respective secretaries and that the military forces will be commanded by their respective heads.²³

Indeed, while the National Security Act granted the Secretary of Defense considerable authority to accomplish the task of overall coordination of the military services and effect economy and efficiency in their operation, the Act made clear that the military departments retained the authority and power to administer their own departments, as well as the authority to overstep the Secretary of Defense and present budget requests to the President or the Director of the Budget Bureau, or other recommendations relating to the military departments.²⁴ Again it is significant to note as support for the proposition that Congress, perhaps unwittingly, legislated away much of its power and influence in foreign affairs to the Executive

Branch, that the debate concerning the authority of the Secretary of Defense centered on his power within the Department of National Defense and not on his relationship with Congress. Clearly Congress was more concerned about civilian control within the defense establishment than with congressional-executive relations per se. This absence of concern might indicate that Congress assumed that the Secretary would be responsive to it. On the other hand, prolonged discussion and debate concerning the possibility that the Secretary of Defense could exercise almost dictatorial powers, could indicate that Congress was cognizant of the possibility that the Secretary would be too powerful for it to deal with. In other words, the Congress intentionally created a weak Secretary of Defense in the original legislation so that it could maintain a high degree of influence in decisions concerning military matters. However, there is no concrete evidence to support either of these possibilities, so they must remain speculative.

Sections 205, 206, and 207 of Title II of the National Security Act specified there be a Department of the Army, Department of the Navy, and a Department of the Air Force respectively; and that these were to be "Executive Departments" each headed by a civilian Secretary. For each of

the military services, the Congress provided a general explanation of their makeup and responsibilities:

In general the United States Army ..., shall include land combat and service forces and such aviation and water transport as may be organic therein.²⁵

In general, the United States Navy ... shall include naval combat and service forces and such aviation as may be organic therein.

All naval aviation shall be integrated with the naval service as part thereof within the Department of the Navy.

The Navy shall be generally responsible for naval reconnaissance, antisubmarine warfare, and protection of shipping.²⁶

The United States Marine Corps, within the Department of the Navy, shall include land and combat service forces and such aviation as may be organic therein.²⁷

In general, the United States Air Force shall include aviation forces both combat and service not otherwise assigned.²⁸

As can be readily seen from the above sections of the Statute, there is a good deal of overlapping of functions between the services; the Navy objections to unification were carefully dealt with by the Congress, and each of the objectives was essentially met. The House Committee report points out that the "Department of the Navy remains as at present, and language has been inserted which will adequately assure the integrity and continued effectiveness

of the Marine Corps and naval aviation concerning which some fears have been expressed."²⁹ As if to justify the arrangement of the military departments outlined in the bill, the report went on to state: "This arrangement insures the permanence of planning and management at the seat of government of the team of land, sea and air forces which gave us victory in the theaters of war."³⁰ The Senate Committee's remarks were more extensive:

Weeks of investigation, which included not only the receipt of testimony on unification but the study of the records and lessons of the late war as well, has brought home to this committee certain basic facts in regard to modern war.

Victory in war today and in the future will be achieved only through the application of maximum pressure by land, naval, and air forces. Each of these forces, by the exertion of its unique pressure in the accomplishment of its mission, contributes directly or indirectly to the other two in the accomplishment of theirs, and all contribute toward the accomplishment of the overall objective. Inferiority in any element of three-environment warfare greatly enhances the problem of the other two.

It is the considered view of your committee that the essential balance and coordination for waging successful three-environment total war can best be achieved through a National Security Organization, the basis of which is three separate military departments as outlined in this bill.

Three departments do not mean triplification of supporting services and facilities. Joint supervisory agencies, such as the Munitions Board, are provided by this bill to insure joint use of the supporting services and facilities wherever added economy and efficiency will result. Sizable economies unquestionably will eventually result from the organization established by this bill.³¹

In spite of both committees' efforts to assure their colleagues in the Congress that: 1) the Secretary of Defense could not become a military czar; 2) that the bill adequately protected the integrity and individuality of the military services; and 3) that the organization established by the bill (a Secretary of Defense over the three independent military services) was the wisest possible structure to effect economy, efficiency and coordination in national security, there were many objections voiced on the floor of both chambers concerning these questions. It should be noted that these three issues are intricately related. The powers conferred upon the Secretary of Defense have a bearing on the independence of the military services, and, of course, the respective powers of the defense secretary and the military department heads at least partially account for the organizational structure established.

After a good deal of discussion and debate in the House concerning the first two issues cited above, several

amendments were offered to the bill.

Representative Sterling Cole of New York introduced an amendment to clarify the powers of the Secretary of Defense. The House bill conferred upon the Secretary of Defense the power to "exercise general direction, authority, and control over such departments and agencies."³² Mr. Cole wanted to clarify that language due to his concern over the interpretation that could be given to that phase:

I think the Congress should say what is meant by it ~~the~~ powers conferred upon the Secretary. I do not believe the Congress intends that this Secretary of Defense shall have absolute, arbitrary, and complete and unlimited control over all departments.³³

Mr. Cole harbored the fear that unless the language specifying the Secretary's powers and duties with respect to the military departments was made clear, the Secretary could use his powers to compromise the independence of the military services and thus become a "military czar." Representative James Wadsworth, argued that the Cole amendment was unnecessary because the bill provided adequate protection for the independent nature of the services. The amendment was ultimately rejected.

Representative Cole offered another amendment to the bill aimed at providing further protection for the Navy's air arm. In a lengthy amendment, Mr. Cole spelled out in

detail the roles and missions associated with naval aviation.³⁴ While the House bill already contained general provisions specifying the roles and missions of each of the services, Mr. Cole was not satisfied that naval aviation was amply protected. It seems that many other members of the House concurred with Mr. Cole, for the amendment was approved.

The fact that so many members of Congress, in both the House and the Senate, were concerned about the preservation of the integrity and independence of the services, provides some insight to understanding why the structure of the national security organization was established with a Secretary of Defense over three independent military departments. The goals of promoting economy, efficiency, and coordination in national security seemed to be at odds with the desire of the military services and their supporters in Congress, to maintain departmental independence. To insure passage of some kind of legislation aimed at achieving coordination, economy and efficiency in matters of national security, the seemingly polar interests compromised their positions. The result was the establishment of a Secretary of Defense with limited powers over three independently administered military departments.

Opponents of the legislation spared no effort to point out the compromises in the Act, and argued that the organization established by the bill would not accomplish the goals of the legislation. Representative Fred Busbey of Illinois argued that the mechanism created by the bill would certainly not be economical:

This is neither a merger nor a unification bill. We already have a War Department and a Navy Department and if the Congress passes this bill we will still have the War Department and the Navy Department. In addition, we will have a new department known as the Department of the Air Force. How can there be a merger or unification of something by adding one additional department? ... under this superstructure of the National Security Council and the new Secretary of Defense, as he is called by this bill, we are going to add millions and millions of dollars of expense.³⁵

Representative Porter Hardy, after pointing out the compromised nature of the bill, and the compromises necessary to get it enacted, spoke about the military organizational aspects of the bill:

This current legislation -- this National Security Act of 1947 -- is reputed to be, and was sent to Congress as, a compromise agreement between the different elements making up the military services. Everyone agreed it was a compromise

The three-department organization as proposed in this legislation is organizationally unsound as it would freeze

the services into the pattern of World War II at a time when every prospect of the future indicates a necessity for a simplified and more closely integrated structure. It establishes an organization which multiplies complications and provides for many additional administrative brass hats. Money badly needed for real military purposes will be used for a greatly enlarged departmental structure and overhead.

... the three-department proposals provided in this bill would make closer integration more difficult.³⁶

After listening to long speeches from advocates of the bill justifying the structure established by the bill, Representative Miller of Nebraska asked "... why we could not go further and put them the military all in the same uniform, have the same ranks, grades, and standard?" Representative Forest Harness of Indiana responded to Mr. Miller's question and suggested that while there were some Congressmen who favored the concept of a totally unified and integrated military, he believed "that would be a mistake at the moment. Because that is an unnecessary departure from the traditions of our defense forces." After a few more moments of exchange, Mr. Miller pointed to the ultimate reason why total unification was out of the realm of possibility:

If we did that insisted on total military unification the bill would not

be before us; the Army and Navy would object too strenuously.

Mr. Harness responded:

"I do not think we would get anywhere."³⁷ Similar exchanges between proponents and opponents of the legislation also took place on the floor of the Senate during the debates.

Perhaps the single most significant discussion and debate on the legislation deals with Section 307 of the House bill and illustrates the polar concerns of proponents and opponents of the legislation in Congress, concerns which ultimately led to the compromised organizational framework of the Act. Section 307 amended the Budget and Accounting Act of 1921 to make Section 201 of the law inoperative. Section 201 of the Budget and Accounting Act provided that the estimates for expenditures and appropriations should be submitted by the President to the Congress without submitting what the department or agency submitted to him. Section 307 of the House bill further provided that the President must submit to the Congress three items with regard to the military budget: 1) what the President recommends; 2) what the Secretary of Defense recommends; and 3) what the heads of the three military departments themselves recommend. The Budget and Accounting Act of 1921 was enacted in the quest for

greater coordination of the financial operation of the government so as to effectuate economy and efficiency in government spending. Yet, while the National Security Act of 1947 was aimed at economy and efficiency also, the House Committee on Expenditures in the Executive Departments reported the bill to the House with Section 307 making the 1921 provisions inoperative to the military. Clearly, that action illustrates the concessions that were necessary to the proponents of an independent military if the bill was to become law. More importantly, the discussion and debate over Section 307 illustrates the degree to which some members of Congress -- in the end a majority of members -- were willing to sacrifice congressional influence in the form of overseeing each service's budget, to a principle of organizational efficiency. In the name of economy and efficiency in government (military) spending, Congress was willing to allow the Secretary of Defense and the President to submit to Congress a unified military budget. It may be that Congress did not anticipate the ramifications of giving the civilian authority of the military establishment this power. Nonetheless, it stands out as a significant example of Congress legislating away a source of significant influence in military affairs.

Representative Clare E. Hoffman, Chairman of the

House Committee reporting the bill, defended the inclusion of Section 307 against attacks on it by Representative John Taber of New York, who was Chairman of the House Appropriations Committee. Mr. Taber argued that:

... what will result from this Section 307 will be that instead of having a coordinated budget you will have all sorts of wild items submitted by each unit concerned. Instead of having any screening whatever or any protection to national defense, everything will run wild, and instead of this The National Security Act being a forward step, with this section, it is a backward step.

Mr. Hoffman:

As I understand your objection, it is to the provision which permits the Secretary of the Navy, the Secretary of War, and the Secretary of the Air Force to present to Congress or the Appropriations Committee their views of what they need? You want that all channeled through the Secretary of Defense, do you not?

Mr. Taber:

I want it all channeled through the budget to the President, and by the President to the Congress of the United States. Unless it is, all coordination is gone.

Mr. Hoffman:

That is undoubtedly correct, but if you adopt that policy, then you put the Army, the Navy, and the Air Force -- you close the door to them; you put them under this centralized authority

Secretary of Defense and how are they The Appropriations Committee or Congress going to know their needs?³⁸

Hoffman, it seems, was one of the few members of Congress -- if not the only member of Congress -- concerned about the centralized authority in the Defense establishment and its impact on the power and authority of Congress.

Later in the floor debate, Mr. Taber offered an amendment to strike Section 307 from the bill. Representative Judd, speaking for Mr. Hoffman and the rest of the House Committee explained why Section 307 originally was included in the bill:

I think it ought to be said in explanation of the action of the committee that this section was put in the bill at a time when there were not as yet in the bill any provisions dealing specifically with the Marine Corps and naval aviation. It was put in primarily to protect their right of appeal to the Congress over the head of the Department or of the Bureau of the Budget or even of the President. They were afraid they might be frozen out and not even given any or adequate funds. With the amendments that are now in the bill, with officially defined status given to the Marine Corps and naval aviation, they will have greater security than they have now or ever had before, and this section is not necessary.³⁹

With this statement, the amendment to delete Section 307 was accepted by the House.

The views expressed in the above exchange concerning Section 307 amply demonstrate the concerns of the military services and their respective supporters in Congress. They clearly show that Congress was not concerned that its power and authority might be replaced, but rather that the military services be protected. It could be argued that protection of the traditional military services by Congress was regarded as synonymous with preserving and protecting congressional influence in military affairs since Congress' traditional influence was exercised through the individual services. However, the deletion of Section 307, blocking easy access by the military to Congress on budgetary matters, would seem to mitigate such an argument and support the proposition that Congress was more concerned about economy and efficiency and less concerned about its power and authority being diminished.

Several other agencies and boards were established by Title II of the National Security Act. They are, however, of little significance for the present study and consequently will only be noted in the interest of filling out the provisions of the statute.

Section 210 of Title II created an advisory council

to the Secretary of Defense named the War Council. It was assigned the function of advising the Secretary of Defense "... on matters of broad policy relating to the armed forces."⁴⁰

The Statute also continued and institutionalized the wartime organization of the Joint Chiefs of Staff. The Joint Chiefs, in addition to establishing joint commands in strategic areas and joint training and education programs, were required to prepare strategic plans, and to work out the logistics for each service in accordance with those plans, and "... to review major material and personnel requirements of the military forces"⁴¹ The Joint Chiefs were to act as the principal military advisors to the President and the Secretary of Defense.⁴² The Statute also created a Joint Staff which was under the direction of the Joint Chiefs.⁴³

As a civilian counterpart to the Joint Chiefs of Staff, the Congress created a Munitions Board within the National Military Establishment. The Board was composed of a civilian Chairman selected by the President and an Under or Assistant Secretary from each of the military departments. The responsibilities of this Board, in a general sense, were to review and coordinate material and personnel requirements suggested by the Joint Chiefs of

Staff, and to make recommendations on these requirements to the Secretary of Defense.⁴⁴

A Research and Development Board was also established by the Congress as part of the National Military Establishment. Like the Munitions Board, it was to be chaired by a civilian selected by the President, and the military services would be represented by two representatives from each service, selected by the Secretaries of the respective services. The Research and Development Board was under the direction of the Secretary of Defense, and was to advise the Secretary "... as to the status of scientific research relative to the national security ..."45 and "... to prepare a complete and integrated program of research and development for military purposes."46

Before moving on to discuss the immediate consequences of the original National Security Act, i.e., the events that led to the 1949 amendments to the Act, the "Additional Views of Clare E. Hoffman, Chairman" are significant to note in terms of the thesis advanced by this study. Hoffman was unhappy with the legislation and argued that Congress, by enacting the legislation, was abdicating its responsibilities to executive agencies. He further argued that the legislation would not promote either economy or efficiency:

The proposed legislation, instead of leaving to the Congress the duty and the responsibility of providing for the national defense, of making appropriations to the Army to be expended within 2 years, of providing, as directed by the Constitution, for a Navy, places that duty and that responsibility upon a National Military Establishment -- a new and an additional organization superimposed upon the Army, the Navy, the Air Force, and the Congress.

A careful reading of the bill, of the hearings, and a realization of the implications justify the conclusion that the possibilities of a dictatorship by the military are in this legislation.

There is nothing in the testimony to justify the argument that it will in the near future bring about economy in our Military Establishment.

The argument that it will promote efficiency is met by the historic fact that in our blundering, so-called inefficient, wasteful way, our fighting men have on all occasions overcome the forces of the centralized militarism of those they have met in battle.

The thought that the National Military Establishment and the departments or agencies established by this bill should be clothed with power to plan our foreign policy, thus usurping the functions of the President and the Congress, and under the plea of coordination, regiment our production and our resources, is abhorrent. Yet under this bill that is the proposal.

It is no answer to say that these new agencies are granted only the power to

plan, no power to execute; that to Congress they must come for funds to implement their plans.

It is a matter of common knowledge that all too often the Congress and the Nation are whipped into line, compelled to support plans and policies promulgated either by the State Department or the administration and of which the Congress has no knowledge until advised that we, as a Nation, were committed to such a policy.⁴⁷

The Consequences of the Act

In what appeared to be further concessions and guarantees to the Navy, President Truman named James Forrestal (previously Secretary of the Navy) as the first Secretary of Defense. While it was generally conceded that Forrestal's administration was "... sensitive, restrained, and farsighted and ... made substantial progress in carrying out the language and intent of the new law National Security Act,"⁴⁸ it was also obvious that the Act was not fulfilling its purposes, especially those of economy, efficiency, and unified, coordinated goals, of military command.

Major controversies between the services concerning weapons systems development and basic differences in "... professional service opinion and conviction involving strategy, tactics, and weapons, and national defense ..."⁴⁹

surfaced almost immediately after the War and continued even after the National Security Act was passed. The controversy which received the greatest amount of public and congressional attention, and one that typifies the difficulties inherent in the newly created National Military Establishment, was the controversy involving the B-36 bomber, and implications of that airplane for the Air Force and Navy. Both services were vying for the lion's share of the defense budget to implement what each service felt was the proper role of air power in warfare; the Navy was pushing for carriers and an atomic weapons role while the Air Force maneuvered for the B-36 long-range bomber. The Army had been conducting a national campaign to convince the American public not to "over-concentrate" on one particular type of warfare, but to view the armed forces as a team.

There had always been interservice rivalry for appropriations. But, tight restrictions on an overall military budget by President Truman and a new structure and process of the military organizations created by the National Security Act of 1947 intensified interservice rivalry to a pitch beyond the traditional bickering.

A Report of Investigation by the House Committee on Armed Services supports this view in concluding that:

... a principal cause for discontent and interservice quarrel was a feature which would appear to be an inescapable part of unified policy and dictated by considerations of economy and efficiency. It has been the practice of imposing by the Bureau of the Budget in the name of the President, an overall maximum financial ceiling upon the armed services, out of which total sum the support for all services for any given fiscal year must come. Thus has been created a contest among the leaders of each service for the lion's share of the defense dollar -- especially since the total sum that can be safely allocated with due consideration for the financial stability of the country, cannot possibly equal the aggregate of the service recommendations when these are based strictly upon professional considerations. With the certainty staring them in the face that all services will have to live and operate on an austerity basis, the ingenuity and the fervor developed by each service in advancing its own claims has run head-on into an equal ingenuity and fervor in each of the other services.⁵⁰

The statute that created these conditions also left the Secretary of Defense virtually powerless to control the Defense Department. James Forrestal, the first Secretary of Defense, was particularly frustrated in his role. He had been, while Secretary of the Navy, an opponent of a unified military program, and as was suggested earlier, Forrestal had a great deal of influence on the final legislation. However, in his First Report of the Secretary of Defense, Secretary Forrestal presented "A

Summary of Desirable Changes" almost all of which strengthened the office and centralized control in a manner that Forrestal had objected to strenuously when representing the Navy.

Recommendations for Change

While Forrestal took pains to point out that the original Act provided a "... sound basis for substantial progress in the unification of the Armed Forces ...," and that the first period of operation under the Statute could not be considered typical of the years that were to follow, he suggested several major modifications in the original legislation:

Provision should be made for an Under Secretary of Defense, and the Under Secretary should exercise such responsibilities as may be assigned to him by the Secretary of Defense

The Statutory authority of the Secretary of Defense should be materially strengthened, not only by providing him with an Under Secretary, but also making it clear that the Secretary of Defense has the responsibility for exercising "direction, authority, and control" over the departments and agencies of the National Military Establishment.⁵¹

In his report Forrestal argued that the original Statute provided the Secretary with the authority to establish "... several policies and programs ..." and to

exercise "... general direction, authority, and control ..." and that the word "general" should be deleted so as to establish clearly the authority of the Secretary of Defense as the dominant position in the National Military Establishment.⁵²

Forrestal made several recommendations concerning the Joint Chiefs of Staff and their roles; among these recommendations was that of making the Joint Chiefs responsive to the Secretary of Defense.⁵³ The Secretary also recommends that provisions should be made for clarifying the Secretary's authority with respect to personnel, including authority for the establishment and organization of appropriate staff facilities, over a broad range of personnel matters. Finally, Forrestal recommended that the Act be amended to exclude the Secretaries of Army, Navy, and Air Force from the National Security Council and that the Secretary of Defense be the sole representative of the National Military Establishment.⁵⁴

With these recommendations, Secretary Forrestal began the process that would eventually lead to the National Security Act Amendments of 1949. Congress, in the hope that interservice rivalry could be controlled, and that economy and efficiency in military spending could be effected, would enact Amendments that strengthened con-

siderably the authority and power of the Secretary of Defense. If the National Security Act of 1947 represented a delegation to the executive of congressional power to "provide for the common defense," the Amendments of 1949 further strengthened the executive-administrative branch at the expense of the Congress.

Immediately after Forrestal's recommendations were made, President Truman, on March 5, 1949, transmitted a message to Congress urging several structural and procedural changes in the National Security Act along the lines of Forrestal's recommendations and the recommendations of the report of the Commission on Organization of the Executive Branch of Government, entitled "The National Security Organization." Essentially Truman's revisions to the National Security Act of 1947 were to accomplish two basic purposes: "... first, to convert the National Military Establishment into an Executive Department of Government, to be known as the Department of Defense; and second, to provide the Secretary of Defense with appropriate responsibility and authority, and with civilian and military assistance adequate to fulfill his enlarged responsibility."⁵⁵

Even while the Congress was considering the modifications of the original Act, the interservice bickering

over matters of strategy and allocation of funds became more public, and intensified into full battle. In addition, rumors began to emerge that the Navy and Marine Corps would play an inferior role in future warfare as a result of an alleged misunderstanding of sea power by the civilian and military leaders of the nation. To add fuel to these rumors, the new Secretary of Defense, Louis Johnson, announced in April of 1949 that construction of the Navy's 65,000 ton aircraft carrier, the U.S.S. United States, would be halted.

The events that followed Johnson's announcement are very significant to the present study for two reasons. First, these events provide a vivid illustration of the failure of the original legislation (the National Security Act) to promote either economy and efficiency, or to provide overall coordination of the military. And second, these events gave rise to expressions of concern by some members of Congress regarding the difficulty of access to Congress by military officers, and the implications of that difficulty for congressional participation and influence on decisions concerning military weapons. Both of these points would have an impact on the writing of the 1949 Amendments to the National Security Act which in turn would affect the future responsibilities and influence of

both Congress and the Executive Branch.

On April 26, 1949, the Secretary of the Navy made public a letter to Johnson in which he took "sharp exception" to the decision to discontinue construction of the carrier and announced his resignation in view of the manner in which the decision had been made. The Air Force-Navy controversy (B-36 vs. the carrier) reached such proportions that the House Armed Services Committee passed a resolution requesting that the Secretary of Defense authorize an impartial test of a simulated combat between the B-36 and the Navy's "Banshee" in hopes of resolving the controversy. The Joint Chiefs of Staff recommended that the test not be made, and the Secretary of Defense did not authorize such a test.

As a result of the inability of all parties concerned to resolve the massive controversy, the House of Representatives passed a resolution directing that an investigation be conducted of actions with respect to national defense aircraft contracts.* The House Armed Services Committee, prompted by the above resolution, met on May 31, 1949, and adopted a resolution to conduct such an investigation. The agenda developed by the Armed Services Committee went well

*House Resolution 227, May 26, 1949

beyond the directive of the full House, and included "... those matters which for months had been occasioning increasingly bitter disagreements among the armed forces."⁵⁶

The Committee was concerned that all testimony presented was presented freely and openly. Chairman Vinson spoke to this perceived problem at the outset of the hearings:

I would like to say on behalf of the Committee, although I believe this comment probably unnecessary, that it is the intent of the Committee that all testimony given shall be frankly and freely given and given without reprisals in the Department of Defense against any individual presenting testimony during the course of these hearings.⁵⁷

This was not the first time Chairman Vinson expressed this concern. On June 28, 1949, when the House Armed Services Committee was considering the proposed Amendments to the National Security Act of 1947, Mr. Vinson made the following remarks to Secretary of Defense Johnson:

What has been worrying me as I read the bill, however, is that the Congress is frozen out, kept at arm's length, from the problems of the three Departments. I cannot reconcile this with the Constitutional responsibility of the Congress, and I think the bill should be amended to keep the Congress part of the team.

So, Mr. Secretary, that seems to me to be the crux of the matter before us.

Now, I would like to ask you this one question: Would you have any objection to having language written into this bill which would prevent the bill from being construed as preventing the Secretaries of the three Departments and the Joint Chiefs of Staff, collectively or individually, from coming to the Congress on any matters involving the armed forces that they may deem proper?⁵⁸

Secretary Johnson responded to Mr. Vinson's remarks by suggesting that:

It was not intended so far as the Congress is concerned to keep any member of the Military Establishment from exercising his Constitutional rights to come and talk to Congress any time on any subject.⁵⁹

However, the Committee concluded that belonging to a military organization -- as a matter of practicality -- imposes implicit restrictions on an officer's constitutional rights to free speech. Questions of military security are sometimes involved, to say nothing of the fact that careers sometimes turn on matters such as unrestricted speech. As a result of these concerns, the House Armed Services Committee insisted upon statutory provisions protecting the free and unimpeded access of civilian and military leaders of the services to the Congress on any matter relating to the Department of Defense that be deemed proper.

It was a combination of the several factors described

above: Forrestal's insistence that the Secretary of Defense did not have the necessary and proper authority to control his Department, and thereby promote economy and efficiency; the supporting evidence from the Hoover Commission's report and the recommended amendments by President Truman; the prolonged and vicious battle between and among the services; and the concern of some Congressmen that Congress was being excluded from its constitutional duties, which brought about the 1949 Amendments to the National Security Act of 1947.

CHAPTER FOURMAJOR AMENDMENTS TO THE NATIONAL SECURITY
ACT OF 1947

The National Security Act of 1947 has undergone three major revisions. The first took place in 1949 at the request of President Truman, and the second and third revisions took place in 1953 and 1958 respectively at the request of President Eisenhower. A central argument advanced each time revisions were requested was the need for more authority for the Secretary of Defense so that he could operate the Department of Defense more effectively and efficiently. (As has already been established, this was the major argument used in requesting the 1949 amendments.) In each case the requested increase in authority for the Secretary of Defense was essentially granted by the Congress. These revisions, in the name of organizational efficiency, had the effect of centralizing authority and power in the hands of the civilian leadership of the Department of Defense. Coincidentally, and as a function of greater centralized authority, congressional participation and influence in military matters was limited and reduced.

The Amendments of 1949

The Amendments provided the necessary authority to the Secretary of Defense beginning with an amended Declaration of Policy, in which the Secretary of Defense is cited as the "civilian control" under which "authoritative coordination and unified direction" of the military services is placed.¹

The composition of the National Security Council was amended to exclude the service secretaries from membership on the Council. This change made the Secretary of Defense the sole representative of the military services to the Council.² The National Military Establishment was converted into an Executive Department of the Government, and renamed the Department of Defense. The status of the Departments of Army, Navy and Air Force was changed from Executive Departments to military departments within DOD.³

The major revisions of the 1947 Act were in the redefinition of the powers and authority of the Secretary of Defense. The language of the original Act was amended to provide for specific control by the Secretary of Defense of the Department of Defense, rather than the more general, and consequently less authoritative control offered by the original Act. The Secretary, in the Amendments, was specifically given "... direction, authority, and control over the Department of Defense ...,"⁴ and the military depart-

ments were placed firmly under his control as well.⁵

In addition, so that the Secretary of Defense could perform his added functions effectively, the Amendments adopted by Congress provided for a Deputy Secretary of Defense and three Assistant Secretaries. All of them were placed at the disposal of the Secretary of Defense.⁶

So that the Secretary could have greater control over the Joint Chiefs of Staff, the Amendments created the Office of the Chairman of the Joint Chiefs of Staff, who was to be responsible to the Secretary of Defense and the President.⁷ The Chairman was charged with -- among other things -- the responsibility of informing the Secretary "... of those issues upon which agreement among the Joint Chiefs of Staff has not been reached."⁸

The Secretary's authority was extended directly to both the Munitions Board and the Research and Development Board. In both cases, the Chairman of those Boards were subjected to the authority of the Secretary of Defense.

In general, it is clearly visible from the brief account of the Amendments, that the power and authority of the Secretary of Defense were vastly increased in all areas of the Department of Defense, and especially in regard to the military departments. The Department of Defense was considerably more centralized in the hands of the Secretary.

While wishing to give the Secretary the necessary pow-

er and authority to promote economy and efficiency in Government, the Congress was concerned that the military have adequate opportunity to express its interests over the head of the Secretary of Defense. Hence, the Amendments contain a specific provision providing direct and unimpeded access to the Congress by officials of military departments:

No provisions of this Act shall be so construed as to prevent a Secretary of a military department or a member of the Joint Chiefs of Staff from presenting to the Congress, on his own initiative, after first so informing the Secretary of Defense, any recommendation relating to the Department of Defense that he may deem proper.⁹

It was this provision which military leaders were to employ continuously in their fight for new weapons systems and budget allocations, and it was in the light of this provision that the military saw the Congress as its principal spokesman in pleading its case to the centralized authority of the Department of Defense. This provision preserved the congressional role of spokesman for the military. While the Congress may not have realized at the time that this provision would be a major device for getting around higher civilian authorities in DOD, it would soon become obvious. In 1958, President Eisenhower was pressing Congress for the repeal of the provision. He labeled the provision "legalized insubordination" and stated, among other things, that it "invites interservice rivalries; and invites

insubordination to the President and Secretary of Defense."¹⁰

The consequences of the 1949 amendments would not be felt immediately. These first revisions should be viewed as a major step toward redefining the relative power positions of the Secretary of Defense and the military services. These positions had implications for the degree of congressional impact. As the Secretary of Defense is granted more and more centralized authority, the impact and influence of Congress will correspondingly decrease.

There were two more major reorganizations of DOD through amendments to the National Security Act, one in 1953 and the other in 1958. Both reorganizations further centralized power in the hands of the Secretary of Defense.

The Reorganization of 1953

Three weeks after President Eisenhower's nominee for Secretary of Defense, Charles E. Wilson, was confirmed by the Senate, he appointed a Committee on Department of Defense Organization. The Rockefeller Committee, as it was called, was requested by Wilson to concentrate on "the basic organization and procedures of the Department of Defense, especially with respect to the position of the Secretary of Defense and his relationship with his principal civilian and military officials."¹¹

Less than two months later, on April 11, 1953, the

Committee submitted its report to Secretary Wilson. The report concluded that the Department of Defense needed organization and procedural improvements in order to attain "four compelling objectives":

- 1) The lines of authority and responsibility within the Department must be made clear and unmistakable.
- 2) The Secretary of Defense must be able to clarify the roles and missions of the services.
- 3) Planning must be based on the most effective use of our modern scientific and industrial sources.
- 4) The organization of the Department must be able to effect maximum economies without injuring military strength and its necessary productive support.¹²

The report unequivocally stated that the Department of Defense could not attain these objectives if it continued to operate under the organization and procedural mechanisms established by the National Security Act of 1947 and the 1949 amendments. It went on to suggest that the Secretary of Defense be given the following management tools:

- 1) Clear and effective authority over the entire defense organization, and control over the principal personnel, civilian and military, in the Department of Defense;
- 2) A system to provide him with complete, accurate, and understandable information on which to base decisions; and
- 3) An independent audit of programs and

of performance efficiency by physical inspections were necessary.¹³

The Rockefeller Committee made several recommendations and proposals for change in the organization and procedure of the Department of Defense, most of which were embodied in Reorganization Plan Number 6 submitted to Congress by President Eisenhower on April 30, 1953.

In a "Special Message to the Congress Transmitting Reorganization Plan 6 of 1953 Concerning the Department of Defense," Eisenhower named three broad objectives of the reorganization plan, with proposals for obtaining the objectives. He identified the first objective as "clarification of lines of authority within the Department of Defense so as to strengthen civilian responsibility."¹⁴ He suggested that since realizing this objective entailed no change in the basic structure of the Department of Defense as created by the National Security Act as amended, he was recommending no legislation on this point. While the President made no recommendation for legislation, he made a very strong statement in support of the Secretary of Defense:

With my full support, the Secretary of Defense must exercise over the Department of Defense the direction, authority, and control which are vested in him by the National Security Act. He should do so through the basic channels of responsibility and authority prescribed in that act -- through the three civilian Secretaries of the Army,

the Navy, and the Air Force, who are responsible to him for all aspects of the respective military departments (except for the legal responsibility of the Joint Chiefs of Staff to advise the President in military matters). No function in any part of the Department of Defense, or in any of its component agencies, should be performed independent of the direction, authority, and control of the Secretary of Defense. The Secretary is the accountable civilian head of the Department of Defense, and under the law, my principal assistant in all matters relating to the Department. I want all to know that he has my full backing in thar role.¹⁵

To achieve the second major objective, which the President identified as "effectiveness with economy," he did ask for legislative changes, and sought greater power for the Secretary of Defense. The reorganization plan called for the abolition of the Munitions Board, the Research and Development Board, the Defense Supply Management Agency, and the Office of Director of Installations, which, the President argued, were organizations that were "too slow and too clumsy to serve as effective management tools...."¹⁶ The President wanted to invest the functions of these agencies in the Secretary of Defense. Along with this proposal the President requested six additional assistant secretaries who were to be responsible to the Secretary of Defense and to whom the Secretary would assign the tasks and duties previously performed by the organizations marked

for abolition. Eisenhower commented on the effect of these proposals:

The abolition of the present statutory staff agencies and the provision of the new assistant secretaries to aid the Secretary of Defense will be the key to the attainment of increased effectiveness at low cost in the Department of Defense. These steps will permit the Secretary to make a thorough reorganization of the non-military staff agencies in his office. He will be able to establish truly effective and vigorous staff units under the leadership of the assistant secretaries. Each assistant secretary will function as a staff head within an assigned field of responsibility.¹⁷

The third objective that Eisenhower sought and recommended legislative action to achieve, was to improve strategic planning for national security. After noting that the National Security Act of 1947 provided no command authority to the Joint Chiefs of Staff, but rather established their role as an advisory one, and placed upon them the responsibility of formulating strategic plans, the President said that "these officers are clearly overworked, and steps must be devised to relieve them of time-consuming details of minor importance."¹⁸ Accordingly, Eisenhower recommended that the Chairman of the Joint Chiefs of Staff be given the authority to manage the work of the Joint Staff and its Director (the Joint Staff is of course a

subordinate structure to the Joint Chiefs, serving the latter). In addition, Eisenhower, again seeking to provide more leverage for the Secretary of Defense, recommended that the Director of the Joint Staff be subject to the approval of the Secretary of Defense.¹⁹ Finally, Eisenhower wanted officers serving on the Joint Staff subject to approval of the Chairman of the Joint Chiefs of Staff.

It was on this last point that most of the congressional debate on the reorganization plan focused. Opponents to the reorganization plan in the House of Representatives -- the Senate did not consider the reorganization plan* -- expressed concern that the provisions increasing the power of the Joint Chiefs of Staff and their Chairman would lead to military dictatorship, that these provisions would destroy the tradition of civilian control of the military. There was little concern over the abolition of

* A reorganization plan is not legislation in the strict sense of the term and therefore does not require action by both Houses of Congress. Section 906(a) of 5 U.S.C. says: "a reorganization plan is effective at the end of the first period of 60 calendar days of continuous session of Congress after the date on which the plan is transmitted unless between the date of transmittal and the end of the 60-day period, either House passes a resolution stating in substance that the House does not favor the reorganization plan."

the various boards and agencies, or over the increased power of the Secretary of Defense. In fact, a principal argument employed by members of the House favoring the reorganization plan was that the increased power of the Joint Chiefs would be offset by the increased power of the Secretary of Defense. Representative Walter R. Riehlman of New York presented the case this way:

... under that constitutional authority, the Congress established the Defense Department and created the post of Secretary of Defense. Then in 1949 the Congress took a most significant step when it amended the act of 1947 and stated that thereafter the Secretary of Defense should have authority, direction and control over all aspects of the Department of Defense. On that day, when the bill was enacted, all residual power not given to him by the previous law in 1947 came to rest in the Secretary of Defense.

In giving this authority to the Secretary, the Congress makes him clearly the dominant force in the Department. He controls everything, and, controlling everything, he certainly controls, if he wishes, assignments and terms of duty on the Joint Staff.²⁰

On June 27, 1953 the House voted down the resolution of disapproval of the plan presented to it by the House Committee on Government Operations, (H. Res. 295) thereby approving the President's recommendations. The vote was 108-235.²¹ The Plan went into effect two days later.

The obvious significance of the 1953 Reorganization Plan was that once again Congress granted the Secretary of Defense increased power and authority to control the Department of Defense. Beyond that, however, and in terms of the proposition that Congress may have unwittingly legislated away much of its influence in military affairs, it is significant to take note of the fact that not only did most members of the House of Representatives appear to be unconcerned about the power vested in the Secretary of Defense, but that the Senate did not even discuss the Plan.

The Reorganization of 1958

The 1958 reorganization of the Department of Defense was clearly the most ambitious plan of the three major attempts to revise the National Security Act of 1947. Again, a basic argument advanced for the reorganization was that the Secretary of Defense needed more authority if he was to operate the Department of Defense more efficiently and effectively. While the Congress eventually approved most of what President Eisenhower recommended and requested, approval was by no means as automatic as for the previous amendments.

The Department of Defense reorganization of 1953 proved to be inadequate to deal with the rapidly changing

conditions of the international environment and the resulting demands on the American military establishment for a new posture to meet those changing conditions. The Eisenhower Administration relied heavily on new and technologically sophisticated weapons while phasing out more traditional weapons and roles of the military. This "new look" of the American military created new tensions between and among the services as they fought to maintain their traditional roles and establish new ones. Jurisdictional disputes between the services over control of new weapons finally prompted Eisenhower and his Secretary of Defense Charles Wilson to define clearly the respective jurisdictions of the services with regard to missiles. On November 27, 1956, Secretary Wilson, in a memorandum to the heads of the military services, assigned the Air Force exclusive control over long-range and intermediate-range land-missiles; he confined the Army to the development and use of surface-to-surface missiles for battlefield tactical use with a 200-mile range; the Army aviation arm was ordered to be limited; the Air Force was ordered to reduce tactical support for ground warfare; the Army was assigned sole responsibility for developing, procuring and manning anti-aircraft missiles for close-in air defense; and set a specific limit of 100 miles for army missiles.

Despite these efforts, the interservice rivalries continued and became intensified. On January 9, 1958 in his "Annual Message to the Congress on the State of the Union," President Eisenhower prepared the Congress for the detailed recommendations of a major reorganization plan for the Department of Defense. (He promised that the plan would be presented to Congress in the near future.) The President's entire message was devoted to American security and defense. After briefly reviewing the American military posture, the President placed before the Congress an outline of proposed action to focus American "resources upon the two tasks of security and peace."²² At the very top of his eight item list was defense reorganization, which the President called "imperative." Eisenhower's brief remarks on defense reorganization were revealing because they highlighted major problems within the defense establishment, and the suspected cause of those problems:

Some of the important new weapons which technology has produced do not fit into existing service patterns. They cut across all services, involve all services, and transcend all services, at every stage from development to operation. In some instances they defy classification according to branch of service.

Unfortunately, the uncertainties resulting from such a situation, and the jurisdictional disputes attending upon it, tend to bewilder and confuse the

public and create the impression that service differences are damaging the national interest.²³

Eisenhower went on to discuss three general goals of Department of Defense reorganization which can be summarized as follows: 1) better integration of resources, particularly with regard to new weapons which require "full coordination in their development, production and use"; 2) clear subordination of the military services to duly constituted civilian authority; to emphasize this point the President added: "this control must be real; not merely on the surface"; 3) an end to interservice disputes, which would require "clear organization and decisive central direction"²⁴

As promised in his remarks in his State of the Union Address, Eisenhower sent a special message to Congress on April 3, 1958. In that message the President seemed to place blame on Congress for the inefficient defense organization:

As a result of well-meaning attempts to protect traditional concepts and prerogatives, we have impaired civilian authority and denied ourselves a fully effective defense. We must cling no longer to statutory barriers that weaken executive action and civilian authority. We must free ourselves of emotional attachments to service systems of any era that is no more.²⁵

The President proceeded to recommend several major changes of the National Security Act as amended.

1) Unified Commands: The President wanted statutory restrictions prohibiting reassignment, transfer, abolition, or consolidation of combatant functions of the various services removed. He also asked for authority to organize operational military forces into "truly unified commands" that are "separate from the military departments."²⁶

2) Command Channels: The President asked Congress to repeal "any statutory authority which vests responsibilities for military operations in any official other than the Secretary of Defense." The President wanted the chain of command from the Commander in Chief to unified commanders to be direct, and thus it was necessary to remove the service secretaries and chiefs from the hierarchy of command.²⁷

3) Central Direction: The President asked Congress to raise or remove the statutory limit of 210 officers on the Joint Staff; to authorize the Chairman of the Joint Chiefs to assign duties to the Joint Staff; to permit each service chief to delegate major portions of his service responsibilities to his vice chief, thus freeing members of the Joint Chiefs of Staff to concentrate on assisting the Secretary of Defense in strategic planning and op-

erational direction of unified commands.²⁸

4) Research and Development: "The Secretary of Defense must have full authority to prevent unwise service competition in this critical area" research and development of weapons systems.²⁹ The President argued that only if the Secretary had "complete and unchallengeable" control over organization and funds for research and development of weapons systems could effective and economical use of resources be assured. The President also recommended that the Secretary be assisted by a Director of Defense Research and Engineering who would be empowered to "eliminate unpromising or unnecessarily duplicative programs, and release promising ones for development."³⁰

5) Authority of the Secretary of Defense: "We must remove all doubts as to the full authority of the Secretary of Defense."³¹ After reviewing the manner in which money is appropriated by Congress for national defense -- primarily to the individual services but with certain limitations that may be placed on the services by the Secretary -- the President argued that such a method worked against unity in the Department of Defense and urged "that in the future the Congress make appropriations for this Department in such a fashion as to provide the Secretary of Defense adequate authority and flexibility to discharge

his heavy responsibilities."³² Eisenhower then argued for freeing the Secretary of legal restrictions that weaken his authority. While he did not recommend that the system of three military departments be destroyed, he did recommend "eliminating from the National Security Act such provisions as those prescribing separate administration of the military departments and the other needless and injurious restraints on the authority of the Secretary of Defense."³³

Clearly, the thrust of Eisenhower's reorganization proposal was more centralized authority and power in the hands of the Secretary of Defense, by making the Secretary's power vis-a-vis that of the service secretaries, and of the military in general, clearly dominant. Critics of the President's proposals in Congress were quick to respond, charging that Eisenhower was attempting to abolish the traditional services. The heaviest criticism, however, was directed against the request that Congress appropriate Defense and grant the Secretary flexibility in allocating them to the services.

Eisenhower's critics were apparently effective. On April 10, 1958 Secretary of Defense Neil H. McElroy in a speech to the National Press Club said that it was not intended that Congress give him a "blank check," but merely some authority to transfer funds from one service

to another so that he could meet unexpected developments.³⁴ Further evidence of the success of the President's critics in Congress can be seen in the fact that on April 16, 1958, in his letter to the President of the Senate and the Speaker of the House transmitting a draft bill on defense reorganization, Eisenhower called attention to the fact that the draft legislation contained "no provisions relating to the appropriation of funds to the Department of Defense."³⁵

Nonetheless, the President seemed determined to have his proposals acted upon and instituted. In a speech before the American Society of Newspaper Editors and the International Press Institute, on April 17, 1958, Eisenhower began lobbying for his proposals. He argued that unity and centralized command was absolutely necessary in the defense establishment.³⁶ The President also was reported to have written letters to several hundred business leaders urging their support for sound management in the Department of Defense, which could be translated into support for his proposals for the reorganization of the Defense Department.³⁷

The House Committee on Armed Services held hearings on the Eisenhower proposals. The hearings commenced on April 22, 1958 and were abruptly ended on May 12, 1958,

despite objections from Republican members of the Committee. Chairman Carl Vinson sent a draft version of a "clean bill" on defense reorganization to the President before reporting it to the House. Eisenhower responded to Vinson by letter, on May 16, and while the President noted that "... by and large the bill seems to deal positively with every major problem I presented to the Congress," he also indicated that he would suggest changes in the legislation:

... in certain respects -- two quite important -- I believe that changes would make the Committee's revision clearer in intent and more clear-cut in effect within the Defense Department, and therefore would result in greater departmental and operational efficiency.³⁸

The Committee report to the House noted the President's objections and his recommended changes and discussed them at length. The first objection by the President dealt with the authority of the Secretary of Defense to administer the military departments. The Committee's bill (H.R. 12451) contained the words "exercised through the respective Secretaries of such departments, which referred to the chain of command from the Secretary of Defense to the military forces. The President wanted those words deleted so that the Secretary's power would be un-

mistakable and direct. The Committee insisted that the service secretaries would be between the Secretary of Defense and the military forces. The Committee argued that:

It is the belief of the Committee on Armed Services that the intent of the National Security Act and the basic philosophy surrounding the creation of the Defense Establishment and the Office of the Secretary of Defense was to create an overall policymaker who would be known as the Secretary of Defense. It was never intended, and is not now intended, that the Office of the Secretary of Defense would become a fourth department within the Department of Defense, delving into operational details on a daily basis. The Secretary of Defense is supposed to make policy and to make any decision that is necessary with regard to the functioning of the three military departments. Once his decision has been made, or his policy has been enunciated, it is incumbent upon the three military Secretaries to carry out the orders, directives, or policies of the Secretary of Defense.³⁹

However, the Committee did provide some clarification of the authority of the Secretary of Defense within the Department of Defense. After noting that there had been "confusion, ambiguity, or misconception with regard to the direction, authority, and control of the Secretary of Defense" concerning the military departments, the Committee recommended that the words "separately administered" be

deleted from the National Security Act and the words "separately organized" be substituted. The Committee made its position and intent very clear:

It is the opinion of the Committee on Armed Services that the words "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 exercised through the respective Secretaries of such departments" establishes the true and correct relationship of the military Secretaries to the Secretary of Defense. The words "separately administered" which apparently in the minds of some have been a symbol of administrative autonomy, have been eliminated.⁴⁰

In addition the Committee's bill did give the Secretary of Defense clear and direct authority with respect to the unified and specified commands.

Eisenhower's second objection to the Committee's bill dealt with the manner in which major combatant functions could be transferred, reassigned, abolished, or consolidated by the Secretary of Defense. The President's proposal was that the Secretary of Defense be allowed to transfer, consolidate or abolish combatant functions by notifying the Committees on Armed Services in the House and Senate and waiting thirty days to institute changes. The President argued that such a procedure would allow the

Secretary the needed flexibility in the performance of his duties. The House Committee, however, viewed such broad authority to the Secretary as a "complete surrender of a constitutional responsibility imposed upon the Congress."⁴¹

Recognizing the need to give the Secretary flexibility, the Committee's proposed legislation did give the Secretary the authority to transfer, consolidate, reassign or abolish combatant functions that retained for the Congress the right to override such proposed actions by a concurrent resolution. Also in recognition of the need to provide flexibility to the Secretary, very significantly in terms of the propositions advanced by this study, the Committee's bill granted the Secretary of Defense an extraordinary degree of authority over military weapons systems.

This study has advanced the specific proposition that Congress, perhaps inadvertently, granted to the Executive Branch by legislation a significant degree of power and authority which had the effect of reducing congressional participation in, and influence on, critical decisions concerning the development of military weapons systems. Nowhere is the evidence more direct than in the 1958 revisions to the National Security Act. In a little noticed and little discussed provision of the Committee's bill, the legislation granted to the Secretary of Defense

unilateral

... authority to assign, or reassign, to one or more departments or services, the development and operational use of new weapons or weapons systems.⁴²

This provision appeared in the Committee's bill almost as an afterthought and a concession to the President.

The Committee report accompanying the legislation refers to the proposed change in the National Security Act of 1947 only once and briefly. The provision was tied to "Congress' intent to provide more efficient, effective, and economical administration in the Department of Defense by ... remov[ing] any doubt as to the authority of the Secretary of Defense to assign new weapons or new weapons systems to one or more services as he may determine."⁴³

This provision amending Section 202(c) of the original National Security Act giving the Secretary of Defense unequivocal control of military weapons development would be a major legal resource employed by the Secretary of Defense in future disagreements with Congress concerning military weapons development.

Eisenhower's failure to convince the Committee to revise its bill left him no alternative but to present his case to the House of Representatives. In a statement on the Defense Reorganization Bill on May 28, 1958, he urged

the House to make amendments to the bill during debate. Eisenhower cited three provisions of the bill that he wanted changed.

First, the President wanted the House to delete the Committee's provision that the Secretary of Defense was to exercise his authority through the service Secretaries. The President argued that the provision was a "legalized bottleneck" which constricted the authority of the Defense Secretary and would cause "administrative chaos."⁴⁴ Second, he wanted the House to strike the Committee's provision allowing for congressional disapproval by concurrent resolution of a change in combatant functions proposed by the Secretary of Defense.

And finally, Eisenhower urged the House to delete a provision from the National Security Act as amended which allowed a department Secretary or a member of the Joint Chiefs of Staff to present to Congress, on his own initiative, any recommendations relating to the Department of Defense. The President had asked for repeal of this clause in his first recommendations in April. However, the Committee continued the provision in their bill, stating that:

The proposal submitted by the President would have eliminated separate reports

from the military departments and would, likewise have repealed the provisions of existing law which authorizes the service Secretaries and their military chiefs to present recommendations to the Congress. To insure that the professional viewpoints of the military departments and the services are not withheld from the President or Congress, the bill continues provision for annual reports by the military departments to the President and Congress, as well as for the safety-valve provision that any Secretary of a military department or member of the Joint Chiefs of Staff may (after duly informing the Secretary of Defense) on his own initiative present recommendations to Congress. In this connection, to eliminate any technical questions or misunderstanding, it might be well to specify that the term, "member of the Joint Chiefs of Staff," here and wherever else occurring, is, of course, intended to include the Commandant of the Marine Corps with regard to any matter that directly concerns the Marine Corps.⁴⁵

Eisenhower, in his appeal to the House to amend the Armed Services Committee's bill, described this provision as "legalized insubordination" which "invites interservice rivalries; invites insubordination to the President and Secretary of Defense; endorses the idea of disunity and blocking of defense modernizations; suggests that Congress 'hopes for' disobedience and interservice rivalries; and is bad concept, bad practice, bad influence within the Pentagon."⁴⁶

The President's appeal to the House was of no avail. The House, having felt that they had conceded enough to the President, rejected all attempts to amend the legislation to conform with the President's wishes. The House passed the Committee's bill on June 12, 1958, with a single addition to the Armed Services Committee's bill: an amendment by Representative John McCormack creating a unified purchasing procedure for the military services.⁴⁷

Having failed to convince the House, the Administration turned its attention to the Senate. In testimony before the Senate Armed Services Committee, on the first day of its hearings on the House's bill (H.R. 12541), Secretary of Defense McElroy characterized the House passed bill as having met "many of the objectives of the President's proposal," but went on to say that "in some important respects it falls seriously short of what we believe is required to give this Nation the defense organization it needs and should have."⁴⁸

McElroy then outlined the changes he and the President felt to be necessary. He focused first on the provision of the House bill which placed the service Secretaries between the Secretary of Defense and the military forces. He argued that the words "exercised through the respective Secretaries of such Departments" of the House provision

constituted "language ... on which the military departments can predicate a claim to autonomy or to the right to block normal and efficient staff procedure, then to that extent the clear and direct authority of the Secretary of Defense is obscured, and Defense efficiency is impaired."⁴⁹ He wanted the provision deleted.

The second recommended change in the House bill concerned the Secretary's authority to transfer, reassign, abolish or consolidate combatant functions. McElroy stated his opposition concisely:

The House bill provides an elaborate set of procedures covering such actions. Generally speaking, these procedures are more restrictive than the present law with regard to transfer, reassignment, abolishment or consolidation of service functions. They are therefore totally inconsistent with other portions of the bill which are designed to clarify the authority of the Secretary of Defense, and to remove certain existing restrictions on that authority.⁵⁰

The third and final point of difference between the Administration and the House bill that McElroy cited was the provision in the 1949 amendments, which the Administration now wanted deleted, that gave service Secretaries and members of the Joint Chiefs of Staff authority to present recommendations to Congress. The House bill retained that provision. Again, McElroy's argument was

concise:

The fact that this right to appeal to the Congress has never been utilized in the past does not negate its disruptive influence. The mere existence of the right tends psychologically to undermine necessary administrative loyalties and to foster interservice rivalries and disunity.

It is contrary to the principles of sound, healthy organization. In effect, it suggests to officials within the Department of Defense that if they are not able to swing their colleagues or the Secretary of Defense to their own point of view, they can, on their own initiative, appeal to the Congress.⁵¹

The Administration was at least partially successful in its efforts to have the House bill amended by the Senate. In its report to the Senate, the Committee did in fact make several changes in the House version that more closely conformed to the President's recommendations.

The report noted the controversy between the House and the Administration over the language "separately organized" or "separately administered" and whether the direction, authority and control of the Secretary of Defense over the military departments must be "exercised through" the service Secretaries. The Senate Committee amended the House bill, by striking the phrase (as requested by the President) "exercised through" and rewrote the provision so that:

an Assistant Secretary of Defense has authority to issue orders to a military department only if the Secretary of Defense has delegated to him the authority to issue such orders, and if such orders are issued through the Secretary of the military department or a person designated by him to receive the orders.

In a further attempt to clarify and strengthen the authority of the Secretary of Defense, the bill provides that it is the duty of the Secretaries of the military departments and their civilian and military assistants to cooperate fully with the office of the Secretary of Defense to achieve efficient administration and to carry out the direction, authority, and control of the Secretary of Defense.⁵²

This provision increased the authority of the Secretary of Defense as requested by the President, but did not totally remove the service Secretaries from the chain of command.

The Senate Committee's bill simplified the procedure by which the Secretary of Defense could reassign, transfer, consolidate or abolish combatant functions of the military forces.⁵³ At the same time, however, the Committee wrote new provisions into the bill that would establish and guarantee by law the status of the Marine Corps, the Naval Air Force and the National Guard, so that they could not be abolished by the Secretary. In addition, the Committee retained a congressional review procedure, with the right of veto, for plans by the Secretary to reassign, transfer,

consolidate or abolish functions. However, with no discussion or comment, the Secretary's authority to assign or reassign the operational use of weapons or the development of new weapons was not changed or subject to this review process.⁵⁴

Finally, the Senate version of the bill struck, without comment, the House provision that a service secretary could go directly to Congress on matters he deemed proper. The Senate bill did permit members of the Joint Chiefs of Staff to go directly to Congress with recommendations concerning national security.⁵⁵ The full Senate considered the bill on July 18, 1958, and passed it with little debate exactly as reported by their Armed Services Committee.⁵⁶

A Conference Committee was convened to resolve the difference between the House and Senate versions of the Defense Reorganization Act of 1958. The House accepted the Senate amendments concerning the role of the service Secretaries in the chain of command between the Secretary of Defense and the military forces as well as the increased authority of the Secretary to change combatant functions, but insisted on the provisions allowing not only members of the Joint Chiefs of Staff to present recommendations to Congress but service Secretaries also.⁵⁷ In general,

the final version of the bill, while not meeting all the specifications and recommendations of the President's April 3 message, was acceptable to the President and he signed it into law on August 6, 1958, saying that "its enactment represents a major advance in our organization for defense."⁵⁸

In short, the 1958 reorganization of the Defense Department increased significantly the powers of the Secretary of Defense and further centralized control of the Department. While the President could not get Congress to appropriate defense funds directly to the Secretary of Defense, the increased power of the Secretary in many other areas was a major victory for enhanced executive authority.

The following list details how civilian executive authority was increased by the legislation. Section Three of the 1958 Reorganization Act amended Section 202 of the National Security Act by granting the Secretary of Defense a broad range of new and explicit authority.

- 1) To transfer, reassign, abolish or consolidate military service functions (other than major combatant functions).

- 2) To recommend to Congress that major military combatant functions be transferred, reassigned, abolished

or consolidated.

3) To transfer, assign, or reassign the development and use of new or existing weapons or weapons systems.

4) To exercise authority, direction and control over policies, plans and coordination concerning the status of scientific research.

5) To exercise authority, direction and control over the military departments.

In addition to these specific articles, the legislation provided other sources of new civilian executive authority.

1) It reduced the number of Assistant Secretaries of the military departments while removing the statutory restrictions on the duties of the Assistant Secretaries assigned to the Secretary of Defense.

2) The legislation authorized the appointment of a Director of Defense Research and Engineering to perform such duties as the Secretary of Defense may prescribe for him. And finally,

3) the 1958 Reorganization Act generally broadened the authority of the Secretary of Defense by eliminating the words "separately administered" and inserting "separately organized" in referring to the military departments.

Conclusion

As a result of the compromises necessary to enact the original National Security Act of 1947, the Secretary of National Defense had little authority or power to manage effectively the military establishment or the newly created Department of National Defense. Clearly, major alterations and revisions of the Act in the years to follow were imperative if the original goals of the legislation were to be realized. The intense interservice rivalry and bickering -- which characterized the military establishment as funds available to the military grew tighter but demands on the military expanded -- were at least partially a result of the bargains struck in the original legislation. The amendments of 1949, 1953 and especially 1958 were all aimed at strengthening considerably the Secretary of Defense's ability to control more effectively the military services and to manage more efficiently the Department of Defense in general.

As has been shown, as Congress approved each of the major amendments to the National Security Act, they sanctioned by law greater centralized control of the military services and the Department of Defense in the hands of the Secretary of Defense. As Congress granted the Executive Branch greater and greater centralized control of the

Department of Defense, it reduced substantially its own participation and influence in decisions concerning the military establishment, and therefore its ability to carry out the functions assigned to Congress by the Constitution. (Part II of this study will test the validity of this assertion.) It is important to note because of the implications for future congressional participation, that while Congress substantially altered the authority and power allocation of the Secretary of Defense and the military services, the basic organizational structure was retained, that is, three individual -- if no longer independent military services. Equally important to note is that it cannot be concluded that Congress was fully aware that these revisions to the original legislation would reduce substantially their role.

The 1958 amendments removed all doubts as to the legitimate authority of the Secretary of Defense over the military. Military claims of autonomy were no longer justified and the power exercised by the independent military services evaporated. While interservice squabbles over jurisdiction and new weapons would continue, the three co-equal military services no longer retained the authority of power to sustain opposition to decisions within the Department of Defense. The Secretary of De-

fense now had the authority by law to settle such disputes between the services. He could assign or reassign to the services operational weapons; research, development, testing and evaluation of new weapons; and decide which weapons were to be pursued to production.

As a practical matter, this new and highly centralized authority in the hands of the Defense Secretary meant that no longer would the Congress be called upon to referee disputes between and among the services as it was repeatedly called upon to do in the mid-fifties. An excellent example of congressional intervention can be found in the Nike-Talos missile dispute.⁵⁹ In 1956 the Air Force requested authorization to establish installation for a land-based version of the Talos missile to protect four strategic Air Command bases. At the same time, the Army was deploying the Nike missile to defend cities. The Senate Military Construction Subcommittee wanted to know why both the Nike and Talos missiles were necessary in these times of skyrocketing defense costs. Each service vigorously defended its own interests. Army Chief of Staff General Maxwell Taylor complained to the Committee that the Air Force decision to install the Talos was "an invasion of the Army anti-aircraft role."⁶⁰ The Army

maintained its "unqualified assurance" that "Nike can be relied on" as a weapon "capable of operating against any known aircraft or any aircraft projected into the future of the next five years or so."⁶¹ The Air Force just as vigorously disagreed with the Army's assessment of the effectiveness of the Nike and leaked to the press a staff analysis which dismissed the Nike as ineffective and incapable of meeting the threat posed by high altitude jet bombers.⁶²

The Senate subcommittee reacted by deleting the funds for the Talos. The funds were conditionally restored in conference committee, with the provision that the Talos funds would not be utilized until the Secretary of Defense had "come into agreement" with both Armed Services Committees on the subject, following an impartial study of the relative effectiveness of both the Nike and the Talos.⁶³

About a year later a similar situation arose in regard to the Air Force's quest for an "area-defense" Bomarc-A missile and the Army's insistence upon the Nike-Hercules "point-defense" missile; again both the Army and the Air Force claimed superiority for their respective weapons. Again, the Congress was the final arbiter in the conflict. But after the 1958 amendments, the Secretary of Defense had the legitimate authority to make decisions concerning

all phases of weapons matters, from research and development to actual production, and he would soon exercise that authority. When he did, the influence that Congress enjoyed as a result of the decentralized authority and power in the Department of Defense that prevented any faction from making a final decision, would abruptly end. In short, the Congress had more influence on matters pertaining to national security, and particularly weapons systems when there was no clear-cut control of the military by the Secretary of Defense. When the military services felt free to advance opposing doctrines and divulge derogatory information about rival programs, congressional influence was greatest.

In addition to providing the Secretary of Defense with the necessary statutory authority to manage effectively the entire Department of Defense, the Congress also provided the Secretary with the technical assistance necessary to make decisions. In the years following the 1958 amendments, the Secretary of Defense would go to Congress with budget requests and a small army of "experts" prepared to support those requests. The Congress rarely knew of alternative weapons to those presented by the Secretary and his experts. This pattern became obvious soon after the 1958 amendments.

As the Secretary of Defense began to exercise his statutory authority over the military, the military, having lost all claims to independent authority and therefore all hopes of blocking unfavorable decisions without the help of Congress, had no recourse but to take its grievances over decisions by the Secretary directly to Congress. The military would be taking advantage of the provision in the 1949 amendments -- and sustained over Eisenhower's objections in 1958 -- that gave Secretaries of the military departments and members of the Joint Chiefs of Staff unimpeded access to Congress with any recommendation concerning national security they deemed proper. This provision would be a major device employed by the military to present its case for a weapons system, or a level of funding for a weapons system that was not accepted by the President and Secretary of Defense. However, the Secretary of Defense, armed with legitimate statutory authority and power delegated to him by the Congress, could now resist not only pressures from the military, but from the Congress as well.

The following chapters will present a detailed case history of a particular weapons system, the B-70 bomber. This case study will be utilized to document Congress' diminishing influence vis-a-vis the President and

Secretary of Defense in "providing for the common defense." The B-70 case study will be used for other purposes as well: 1) to provide an illustration of how the military -- in this instance the Air Force -- relied upon the "unimpeded access" provision of the National Security Act to enlist the support of Congress in its efforts to maintain the B-70 bomber program; and 2) to provide an illustration of the Congress' role as spokesman for the military to the President and Secretary of Defense, in this case the Air Force and its B-70 bomber program.

PART II

CHAPTER FIVE

THE B-70 AND THE EISENHOWER ADMINISTRATION

Introduction

This chapter, and the two to follow, will develop a detailed history and analysis of the Air Force's B-70 bomber. This account is presented in order to illustrate, over time, increasing Executive Branch dominance and diminishing congressional influence over military weapons development policies. These chapters are designed to facilitate analysis of the B-70 controversy in terms of the models and propositions introduced in Part I of this study to help explain the behavior of the actors involved. The B-70 case study also serves to demonstrate Congress' role as spokesman for the military, especially when an armed service requires an advocate for a weapons system that is not supported by the President or Secretary of Defense.

This paper has put forth the proposition that congressional influence in critical decisions concerning the development of military weapons policies has been diminished as a consequence of the power and authority granted

to the Executive Branch by Congress in the National Security Act of 1947 as amended in 1949, 1953 and especially 1958. It has also argued that in the same legislation, Congress, perhaps inadvertently, protected and preserved a role for itself as spokesman to the Secretary of Defense and the President for the military services in weapons policy decisions. A chronological development of the B-70 controversy will illustrate how the Secretary of Defense (in three different Administrations) used the legitimate authority and power -- given to him by Congress in the National Security Act as amended -- to resist pressure from the bomber advocates in Congress and the Air Force for a full-blown and accelerated B-70 production program. Documentation of this use of power by the Secretary of Defense and the inability of Congress to achieve a full-blown B-70 bomber program is necessary to establish the credibility of two fundamental elements of the proposition advanced here: 1) that the National Security Act as amended was a significant legal resource employed by the Secretary of Defense in enabling him to pursue weapons development policies consistent with his Administration's goals even in the face of opposition from the House and Senate Armed Services and Defense Appropriations Subcommittees; and 2) that congressional influence on decisions

concerning weapons development policies was indeed diminished as a result of those powers granted to the Secretary of Defense.

The B-70 case study will also illustrate the congressional role as spokesman for the Air Force position regarding the manned bomber to the Secretary of Defense and the President. However, to support the proposition that Congress protected and preserved this role through the National Security Act as amended, the case study must contain additional evidence. The previous chapters (Part I) have shown how and have suggested why the Congress granted the Secretary of Defense extraordinary authority and power over the military services, including downgrading the military services from "separately administered" Executive Departments to "separately organized" military departments under direction and control of the Secretary of Defense. The B-70 case study will develop evidence to indicate that as a result of the legislatively sanctioned centralization of the Department of Defense in the hands of the Secretary of Defense: 1) the Air Force could not block unfavorable decisions made by the Secretary concerning the B-70 within the Department of Defense; and 2) the Air Force leadership was forced to enlist the aid of Congress in its disagreement with the Secretary over the B-70 by using its right

of unimpeded access to Congress (a right established by a provision of the 1949 amendments to the National Security Act) to present grievances. Given the high degree of centralization that existed within the Department of Defense, especially after the 1958 amendments, and the absence of the provision of the 1949 amendments guaranteeing the military unimpeded access to those elements in Congress concerned with military matters, Congress may have been even further removed from decisions in military matters. In short, it was the one substantial role the Congress retained after delegating authority and power to the Secretary of Defense to make decisions almost unilaterally in the area of weapons development policies.

Generally, the B-70 case study will illustrate that the National Security Act of 1947 as amended provided a reliable blueprint for anticipating the behavior and relative influence of each of the major organizational actors involved in weapons development policy decisions. It will show a strong and dominant President and Secretary of Defense and a weak and frustrated Air Force leadership, House and Senate Armed Services Committees, and Defense Appropriations Subcommittees. Naturally, unassailable proof of the hypothesis concerning Congress' diminished influence in weapons development policies, or its role as

spokesman for the military, is not possible with a single case study. Consequently, the goal is to illustrate only that the arguments advanced here are sound and that they can be supported substantially.

The B-70 bomber controversy has received remarkably little attention from scholars. This is the case in spite of the fact that the B-70 program and the dispute that surrounded it spanned four Presidential Administrations, from Eisenhower to Nixon, seven Congresses from 1956 to 1969, and involved a public expenditure of approximately \$1.5 billion. While there have been several excellent case studies and analyses of controversies over major military weapons systems, few of these disputes, if any, had as long a history as the B-70.¹ The long history of the B-70 bomber program controversy was an important factor in the decision to use it here to illustrate the credibility of the propositions generated in this study. Before proceeding to explain further that choice the apparent paradox of arguing congressional impotence in weapons development policies and the "long history" of the B-70 program must be addressed.

This case study of the controversy over the B-70 bomber between the Secretary of Defense and the Congress will reveal a strong Secretary of Defense in opposition to a B-70 production program, able to stand his ground

and not allow a full-blown and accelerated B-70 production program in spite of repeated congressional insistence that the program move ahead. In short, a picture of a strong Secretary of Defense and a weak and frustrated Congress will emerge. Yet, the B-70 bomber program had a thirteen-year duration and a price tag of \$1.5 billion in spite of opposition from the several Secretaries of Defense and their respective Presidents. Clearly, such evidence by itself would lend credibility to a thesis expounding congressional strength and executive weakness in weapons development policies. However this evidence must be evaluated in terms of what Congress was seeking in advocating the B-70 program. Congress was insisting that the United States undertake an accelerated development and full-blown B-70 production program which would have cost an estimated \$10-12 billion. Instead, all that Congress was able to achieve was the continuation of the B-70 development program culminating in the production of only two stripped-down prototypes of the aircraft.

More importantly, the behavior patterns of congressional participants in the B-70 controversy and the achievements of these actors must be viewed -- for purposes of this study -- in terms of what behavior patterns might have been and what the actors might have achieved in the

absence of a centralized Department of Defense. While I will address these questions specifically in the last chapter of this study, at present it is safe to suggest at least that behavior of congressional actors would have been different and that Congress in concert with the Air Force (the latter also weakened by the legally sanctioned centralization of the Department of Defense) would have had a greater opportunity to impose a B-70 production program on the President.

In other words, I will argue that the apparent paradox between the long history of the B-70 controversy and the argument of a strong Executive Branch in opposition to the program actually is a sign of congressional weakness. The case study as presented here will demonstrate, not that Congress was powerful and influential in keeping the B-70 alive, but weak in the sense that with the enactment and revisions of the National Security Act of 1947, Congress permitted a centralized Department of Defense, inadvertently surrendering its power to contribute more than marginally to weapons development policy decisions. Congress was relegated to the not very potent role of spokesman for the armed services.

Returning to the explanation of why the B-70 controversy was chosen to illustrate the contentions of this

study, it has already been suggested that the long history of the B-70 was a critical factor in that decision. Another important factor is related to that time span. The focus of this study is clearly organizational and institutional. The fact that the history of the B-70 spans the terms of four Presidents and their several Secretaries of Defense, seven Congresses with changing leadership and changing chairmen on key committees involved with the B-70, and changing membership in both the Joint Chiefs of Staff and the civilian and military leadership of the Air Force will allow the case study to be less concerned with individual actors and more concerned with the behavior of the organizations they represent.

Despite the changing actors over time, actors with disparate personalities and political styles, the case study will show that the outcomes of the repeated clashes among the actors remain remarkably consistent. This is not to suggest that, for example, Secretary of Defense McNamara's personality and political style were not important factors in the controversy -- they were. But McNamara, like other Secretaries of Defense before and after him, took advantage of the authority and power vested in him as Secretary of Defense by legislation enacted by Congress. It is this structural constant, the institu-

tionalized power of the Secretary of Defense, rather than personality variables, that best explains the outcome of the B-70 controversy. (Nonetheless, I will take into account the behavior and impact of individual participants in the controversy both in the actual case study and in the analysis of the B-70 debate in the final chapter.)

Still another reason the long history of the B-70 controversy is important for purposes of this study is that the B-70 program was begun in 1956, two years before the 1958 amendments to the National Security Act giving the Secretary of Defense unilateral authority to make decisions concerning weapons development policies. The case study will reveal that while the B-70 program was begun largely as a concession to Congress in 1956, the attitude of the Eisenhower Administration toward the program would change abruptly when armed with new legal authority in 1958. While the Eisenhower, Kennedy, Johnson and Nixon Administrations would continue to make concessions to Congress, they would be significantly different than the pre-1958 concessions made by Eisenhower.

Perhaps the most important aspect of the decision to employ the B-70 controversy in this study is that unlike other major weapons disputes, such as the supercarrier-

B-36, Nike-Talos, or Thor-Jupiter controversies,² the fight over the B-70 program cannot be characterized as primarily interservice rivalry. The controversies mentioned above were played out prior to the 1958 amendments to the National Security Act, that is, before the Secretary of Defense had been given authority over weapons systems selection and production, and before the military services' real authority had been downgraded in the organizational structure of the Department of Defense.³ The B-70 case study will demonstrate that the 1958 amendments had the effect -- as they were designed to have -- of making military service disruption of decisions more difficult, i.e., the 1958 amendments changed the interactive behavior of the military services, the Secretary of Defense, and elements of Congress.

To be sure the B-70 controversy has many similarities with the weapons case studies mentioned above since all weapons disputes involve issues of "strategic doctrine, service roles, and control over weapons system development."⁴ Yet, the long history of the B-70, the struggle between successive Secretaries of Defense and the Air Force and Congress, and the timing of the controversy combined to make it an ideal case study for illustrating the contentions of this paper.

The Genesis of the B-70

The Eisenhower Administration announced the beginning of a new manned bomber program in March of 1956. The events preceding that announcement will demonstrate that the program was advanced largely as a concession to congressional critics of the Administration's weapons development policies and strategic posture. Those events will also illustrate the lack of enthusiasm the Administration had for the program. This announcement was made two years before the 1958 amendments to the National Security Act which increased the Secretary of Defense's authority over weapons development decisions. At the time of the initiation of the program, however, the Executive Branch lacked both the legal authority and the political power to resist congressional Air Force insistence that the United States embark upon a new manned bomber program.

Among Dwight David Eisenhower's pledges in his campaign for the Presidency in 1952 was the promise of economy in government spending with a balanced budget. In view of this promise, Eisenhower's most pressing problem upon assuming office was a downward revision of Truman's budget for fiscal 1954. The Truman budget called for expenditures of \$78.6 billion, of which \$45.4 billion was allocated to the Department of Defense. It was immediately

apparent that if substantial reductions in federal spending could be achieved it would have to come from funds earmarked for national security.⁵ It is with this view that the Eisenhower Administration began to develop the "New Look" in American military power. It has been argued that "... in retrospect it appears quite obvious that the Administration's security policy, was determined by its fiscal policy."⁶ The extended plan of the Administration for the "New Look" was to reduce drastically military manpower needs by reducing conventional forces and by relying heavily on modern technology, for the most part, missile development. This was the political context in which the Air Force would wage its fight for the B-70 bomber, a fight that initially was waged successfully.

Despite the Administration's efforts to trim defense expenditures, the Air Force and Congress would be able to force the Administration to initiate the B-70 program. However, after the 1958 revisions to the National Security Act in which Congress downgraded the military services in the organizational structure of the Department of Defense and at the same time granted the Secretary of Defense unilateral authority to make decisions on weapons development, Air Force-congressional success in forcing the program ahead would virtually end.

Although a balanced budget was finally achieved in 1958, expenditures for continental defense, nuclear weapons development, and tactical and strategic nuclear delivery systems continued to rise. In order to meet this rising cost and still maintain the economy in spending sought by the Administration, development and production of what was considered less needed and nonessential weapons systems were slowed or stopped.

By early 1956, the Administration was hearing very vocal critics from the Congress. Senator Stuart Symington, Truman's Secretary of the Air Force, complained that "our (U.S.) production of long-range intercontinental jets is just a small trickle of what it should be" He noted "that in 1955 less than one quarter as many combat planes were ordered in this country as were ordered in 1952, in spite of the incredible growth of the Soviet Air Force."⁷ A few days later Trevor Gardner, an Assistant Secretary of the Air Force, resigned complaining about a \$2.5 billion budget cut for the Air Force in the President's budget. He warned that the Administration's fiscal decision "guarantees this nation the second-best Air Force in the world."⁸ This kind of behavior by disgruntled officials was not uncommon and was an embarrassment to the Administration. Senator John F. Kennedy added his voice to the

controversy by suggesting that he had information that the Soviet Union was producing twice as many intercontinental bombers as the United States.⁹

In an effort to quiet congressional criticism concerning U.S. production of long-range bombers, criticism that was steadily increasing both in intensity and frequency, the Administration revealed that a supersonic bomber was being designed to replace the B-52. However, the Administration chose to make this announcement without fanfare or a great deal of publicity indicating its lukewarm attitude toward the project. Dr. H. Guyford Stevor, chief scientist of the Air Force, made the information public to an audience of M.I.T. alumni on March 17, 1956.¹⁰

Three days later, in testifying before a subcommittee of the House Armed Services Committee, Dudley C. Sharp, an Assistant Secretary of the Air Force, confirmed that a new long-range intercontinental bomber was "not too far away." At the same time, however, he pressed the Administration's position, arguing that the United States still holds "a worldwide qualitative superiority in air weapons."¹¹

Sharp's testimony made clear that in view of the Administration's efforts to contain an expanding defense budget particular weapons would be assigned higher priority

than others. It appeared that a new supersonic manned bomber was not high on the weapons priority list. The Administration was trying to maintain a delicate balance, satisfying the critics by announcing research for a new manned supersonic bomber, but pushing ahead with other weapons of higher priority.

It appears that the Republican Administration was being responsive to its congressional critics in announcing a program to which it was -- at best -- not enthusiastic (or at worst -- opposed) perhaps because it was necessary to maintain a working relationship with an opposition-controlled Congress. Presidents, whether faced with an opposition-controlled Congress or not, must make concessions to Congress, and/or groups within Congress, to maintain a working relationship. However, while there would also be bargaining and compromise between the executive and legislative branches, the case study will show that the Eisenhower and subsequent administrations would become less inclined to make major concessions to Congress on the B-70 program after the enactment of the 1958 revisions to the National Security Act. Section 202(c) of the Act was amended to grant the Secretary of Defense unilateral authority to make decisions concerning weapons development.

Further evidence of the Administration's strategy of satisfying its critics by announcing a manned bomber research and development program but pursuing its own weapons of higher priority, could be seen in August of 1956, when Under Secretary of the Air Force James H. Douglas in an address to an Air Force Association conference, told his audience that medium- and long-range missiles would soon be operational, but immediately emphasized that manned bombers would still constitute at least half of the strategic force. He suggested that missiles were unlikely to take over a substantial part of manned bomber missions "... because of the small and mobile nature of tactical targets."¹²

Reflected in Douglas' remarks was the continuing controversy over what constituted a satisfactory deterrence posture by the United States. (By this time, the Administration had already begun to soften its "massive retaliation" doctrine to a "selective" or "graduated deterrence.") The debate over weapons priorities was an integral element of the question of a deterrence posture. The Air Force favored a counterforce strategy, a strategy which threatened an enemy's strategic forces. In order to make this strategy viable the Air Force argued that manned bombers were necessary because of the extreme

accuracy needed to destroy military installations. The B-70 was pursued by the Air Force as a major counterforce weapon. On the other side of the debate, a counter-city strategy was advanced. Advocates of this view argued that the most effective deterrent posture would consist of the capability to destroy an adversary's cities and population centers. This strategy, if employed, would not require highly accurate weapons and would eliminate the need for such weapons as the B-70.

Despite the Administration's maneuvers to head off continued criticism of its spending priorities for weapons, the controversy remained unabated, and in fact was soon intensified. Criticism was particularly sharp from the Senate's Subcommittee on Defense Appropriations which in its June 1956 report to the Senate on H.R. 10986, Defense Appropriations for fiscal 1957, added \$800 million to Eisenhower's request for Air Force funds. The Committee directed that the additional funds be used for increasing production of heavy bombers.¹³ The Senate accepted the Committee's recommendations as did the Senate-House Conference Committee.¹⁴

On January 30, 1957, the Senate Subcommittee on Air Power published a report charging that American air defenses were weak. Senators Stuart Symington, Henry

Jackson, and Sam Ervin -- all Democrats -- charged the Eisenhower Administration with ignoring or underestimating Soviet military progress, resulting in dangerously weakened American defenses against atomic attack. The Senators used the opportunity to restate their opposition to the Administration's position concerning manned bombers by charging that the U.S. had an insufficient number of long-range "modern" jet bombers, "... and there is no program to produce a sufficient number."¹⁵

The Eisenhower Administration continued its effort to maintain its chosen defense posture without alienating the advocates of air power. On October 4, 1957, the Soviet Union launched the first man-made earth satellite, Sputnik I. With this dramatic accomplishment the Soviet Union demonstrated advanced technology and scientific know-how. Eisenhower's defense critics used this demonstrated Soviet capability to attack further the President's defense posture. Vice President Richard Nixon addressed the Air Force Association at the end of October 1957. He prescribed a "good dose of realism" in comparing the military strength of the U.S. and the U.S.S.R. in light of the Soviet space accomplishments. While Mr. Nixon pushed for the Administration's missile posture he also asserted "... that the advent of intercontinental missiles would

not mean that manned bombers could be replaced."¹⁶ The Administration was clearly on the defensive.

On December 23, 1957, about three weeks before President Eisenhower released his new budget (and eight months before the enactment of the 1958 amendments to the National Security Act), the Air Force announced that it had awarded North American Aviation, Incorporated, a contract to develop an intercontinental jet bomber that could attain speeds of more than 2,000 miles per hour. The contract was a limited one; it stipulated the construction of at least one test model at the company's Los Angeles plant, and an Air Force decision on whether to put the bomber into quantity production based on an evaluation of the test model.¹⁷ The new bomber was dubbed the WS (Weapons Systems) 110 A, and was referred to as a "chemical bomber" because its design called for new chemical-powered jet engines.

The awarding of this contract could be viewed as evidence that the Administration did consider the manned bomber as a necessary part of the American defense system despite the advent of intercontinental ballistic missiles. However, other interpretations are possible. First, it must be remembered that the Air Force announcement preceded the 1958 amendments to the National Security Act by eight

months. In other words, the announcement was made before the Administration had the legal authority to make final decisions on which weapons systems would be developed and/or the political power to stop the Air Force from awarding the manned bomber contract. In view of vocal criticism of the Administration's defense policies and the renewed emphasis on ICBM's resulting from the Soviet's space shot, the Air Force may have been trying to push the Administration into accepting the new bomber program by leaving the Administration no alternative except to disapprove the program publicly, which the Air Force knew Eisenhower was reluctant to do. Indeed, the Air Force tactic might have worked if the President's fiscal 1959 budget is a reliable indicator.

Eisenhower's budget for fiscal 1959 was released on January 14, 1958. Even though the military budget was a peacetime record \$40 billion, proposed expenditures for troops and other military manpower, as well as conventional weapons -- even jet aircraft for carrying nuclear bombs -- were down while proposed expenditures for ballistic missiles and outer space weapons were up. The Air Force would not be permitted to order any more B-52 bombers beyond those already contracted for; a total of 744, the last to be completed near the end of 1962. In

addition, the budget called for trimming Air Force strength from 130 wings to 105 wings, while reducing the inventory of planes by almost 1,200 from nearly 22,000¹⁸ In spite of the President's firm stand on reducing Air Force strength, it appeared that the Air Force tactic of announcing the new manned bomber contract, to push Eisenhower into accepting the program, worked. The budget included limited funds for research and development of a new bomber. Eisenhower was apparently unwilling to take on the Air Force and its industrial-congressional allies at that time. (The Air Force quickly moved ahead on the program and expanded the more limited contract to one which called for the production of 13 test aircraft.)

However, the Air Force was aware of the Administration's opposition to the program and conducted a campaign to keep its new bomber in the public eye and to develop a constituency. In February the bomber was redesignated the "B-70"; in July it was given the name Valkyrie (for the maiden of Norse mythology) after a contest in which 20,235 names were submitted; also in July the Air Force gave some details about the bomber's engines, and announced that the General Electric Company would be awarded the engine contracts. In September, after a test firing of a Navaho guided missile, the Air Force linked the

event to the B-70 by suggesting that they hoped to provide data on high altitude phenomena and the supersonic environment for developing the bomber.

In early August of 1958 President Eisenhower signed into law the 1958 amendments to the National Security Act. As the amendments have already been discussed in great detail (see chapter four) it is necessary here only to reiterate that they increased significantly the Secretary of Defense's authority and power to control the military departments and the weapons they employ. With the authority vested in him by the 1958 amendments, the Secretary could assign or reassign to the services operational weapons, research, development, testing and evaluation of new weapons, and decide which weapons were to be pursued to production. The amendments of 1958 would impact immediately on the Air Force and soon after on Congress, by forcing the Air Force to march to the Congress to enlist its aid against the President and Secretary of Defense.

Despite the efforts by the Air Force to promote its new B-70 bomber, the Administration revealed in its fiscal 1960 budget that the era of manned military aircraft might be close to the end and that the military posture of the

future would be dominated by long-range missiles. It is significant to note in terms of the thesis advanced by this paper that the fiscal 1960 budget recommendation was the first budget after the 1958 amendments to the National Security Act, the amendment which gave new authority to the Secretary of Defense to make decisions concerning weapons development. The President's proposed budget made no attempt to conceal the Administration's increased reliance on missiles and decreased dependence on manned aircraft; the proposed budget called for an almost \$700 million decrease in expenditures for procuring aircraft while missile procurement was increased by almost \$500 million.¹⁹ The military, supported by the Congress, wanted increased expenditures in all areas of military weapons. In addition, the commentary accompanying the military procurement requests was very candid:

As part of the growing emphasis on missiles, the 1960 budget continues support of the accelerated programs on ATLAS and POLARIS. On an overall basis it also provides for a 50% increase in funds on the TITAN ICBM and a 40% increase in funds on the MINUTEMAN ICBM. Additional funds are also provided for the THOR and JUPITER IRBM's to complete the presently planned programs for these two systems and for missile systems which will protect the United States and its allies against enemy attack by manned aircraft -- BOMARC, NIKE-HERCULES, HAWK.

Missile development has reached the stage where the number of competing missile systems can be reduced. Production of the liquid propellant ballistic missile REDSTONE is to be phased out and an expanded program for the solid propellant PERSHING will be substituted. Similarly, production of the ship-based aerodynamic REGULUS II missile is being terminated as emphasis shifts to the development of the submarine-based ballistic missile POLARIS.²⁰

This commentary -- especially when compared to earlier commentary on budget requests -- was indeed the strongest public indication of the Administration's thinking on military posture for the long run. It made clear the Administration's plans to concentrate on long-range ICBM's and to phase down the role of manned aircraft.

Again, it is significant to note that the Administration's strong stand on military weapons assignment, re-assignment, abolition, research and development came just four months -- at the first major opportunity -- after the enactment of the 1958 National Security Act amendments. Previous statements were less revealing of the Administration's plans and more responsive to the demands of the military services and the Congress. In short, the 1960 budget represented a behavioral change by the Administration. It must be concluded that the Administration's position enabling it to arrange defense spending priorities was bolstered significantly by the increased authority

and power it derived from the 1958 amendments.

The "missile gap" psychosis which began with the Soviet launching of Sputnik (and aided by the Democrats in the 1960 elections) may well have helped the Eisenhower Administration's efforts to downgrade the importance of the new manned bomber as well as other weapons systems of a more conventional nature which it opposed. In the last three years of the Eisenhower Administration a growing number of what were called "qualified observers" (which included academicians, scientists, businessmen and journalists) charged that the United States was allowing the Russians to open a dangerous "missile gap." Such studies as the Rockefeller Report urged the Administration to allow greater expenditures for improvement of the U.S. strategic posture.²¹ Some elements of this group of defense critics wanted the Administration to concentrate exclusively on ICBM's and argued that the Russians had abandoned their efforts to produce manned bombers and were concentrating on missiles. Furthermore, critics of the bomber program argued that the nation had already sunk too much into the "big bomber" which was soon to be, if not already, obsolete.²² While the "missile gap" debate removed the bomber controversy from the headlines, the coalition of pro-bomber forces in the Air Force and the

Congress remained firm and vocal. The Administration answered its critics by planning to increase ICBM forces by seven squadrons. It also responded to bomber advocates by allocating some money for continued development of the B-70.²³

Campaigns by the Air Force for the B-70 After the 1958 Amendments

As the Administration used its newly acquired authority to press for its weapons spending priorities, the Air Force leadership had to alter its behavior to deal with its decreased power position vis-a-vis the President and the Secretary of Defense. The Air Force stepped up its campaign for the manned bomber. At the Air Force Association conference in September 1959, General Thomas D. White, Air Force Chief of Staff, included the B-70 high up on the Air Force's "ten most needed" list and previewed the arguments that would soon be employed by Air Force officials in the Pentagon. White said:

Ideally, we would like to have an aircraft possessing long-range supersonic speed, high altitude capabilities, great endurance, a large load capacity with an ability to perform many combat roles -- offensive, defense, reconnaissance and special high-speed combat airlift. With supersonic speeds and airlift capabilities, the new type

bomber would have possibilities never before envisioned. For example, a large basic aircraft such as the B-70 might be employed to airlift several Army Honest John missiles and their crews to any place on the globe in five hours.²⁴

General White and other Air Force officials also expressed a willingness to compromise with the Administration by suggesting that they would be willing to drop plans for the F-108 jet fighter in exchange for continued funding of the B-70 project. These statements seemed to be in direct response to statements by Defense Department officials concerning plans to drop both the F-108 and the B-70 in view of the swiftly growing missile strengths of the U.S.S.R. The Air Force's willingness to make major concessions to the Administration on the B-70, just months after the 1958 amendments to the National Security Act, reflected a recognition by the Air Force leadership of their reduced power vis-a-vis the Secretary of Defense and the President. At the same conference, General Frank F. Everest, Commander of the Tactical Air Command, enunciated the Air Force "line." He argued that the chief Soviet threat was still manned bombers and would continue to be for some time to come and specifically said: "So long as the Soviet Union is capable of producing such high quality aircraft it is incumbent upon the United States

to protect itself against these by matching them."²⁵

This comment coming from the Commander of the Tactical Air Command also serves to demonstrate the solidarity of the Air Force leadership on the bomber issue. At this point in the short history of the Air Force, the leadership was almost totally aviators. While the Air Force already had a major missile role, its leadership was clearly more interested in -- and more committed to -- the big bomber and the Air Force's flying mission.

About six weeks after the conference, on October 26, 1959, the development contract for the F-108 Rapier was in fact cancelled. The Air Force argued that it would be possible to fill the gap left by the cancellation of the F-108 by adapting the B-70 to a multimission, all-purpose aircraft. While the B-70 was conceived strictly as a strategic bomber, the Air Force was now arguing that this conception had been broadened so that the B-70 could be sold in terms of its potential as a military transport, an interceptor, a satellite launcher, and the prototype of a supersonic airliner.²⁶

Certainly, multiplications of the B-70's role can be seen as another concession by the Air Force and as a measure of the anxiety with which devotees of the manned airplane viewed missile inroads. The Air Force continued

to advance the argument outlined previously, that despite the advent of ICBM's, manned bombers would be necessary to assure accuracy and adequacy of the nation's retaliatory might. In addition, Air Force officials cited two major advantages of manned bombers over missiles: 1) the B-70 could be launched immediately* but called back if necessary (missiles cannot be called back) and 2) manned bombers could take out underground targets where extreme accuracy is needed. (At this point missile technology was not advanced to the degree of insuring extreme accuracy.)

In still another effort to save the B-70, the Air Force advanced a cut in F-104 Starfighter jets that had been planned for a later date to effectuate a saving in funds. Nonetheless, on December 1, 1959, within a week of the F-104 savings announcement, the Air Force proclaimed that it was "forced to pare the B-70 plan to the bone" and that it expected a savings of about \$85 million.²⁷ Instead of the 13 test planes originally contracted for,

* The design of the B-70 called for six jet engines which would generate a total thrust of 150,000 pounds. The engines could be started simultaneously so that the aircraft could be off the ground in three to five minutes, beating an enemy's first wave attack.

the Administration now wanted one or two at most which would be stripped of all "countermeasure systems" -- that is bombing and navigation "black boxes."

At this point in the B-70 program, December 1959, one-half billion dollars had already been spent. The severe cutbacks affected several aircraft and electrical concerns. North American Aviation announced that it would still handle the test model, but that because of the cutback it would lay off 2,000 employees before the Christmas holidays; Boeing and Lockheed Aircraft Companies announced that they would no longer be involved with the B-70 program as a result of the cutback; Boeing had 1,200 employees assigned to the project; and IBM, Westinghouse, and Motorola indicated the same. A few days later, General Electric's Chairman of the Board, William Cordiner, announced that GE would lay off 800 employees before Christmas at its Evandale, Ohio gas turbine and jet engine plant, and cited the curtailment of the B-70 program as the cause.²⁸

Senator Henry Jackson, whose stake in the program is acknowledged to be greater than most because of the high concentration of elements of the aviation and electronics industries in his state, nonetheless spoke for many Congressmen when he learned of the decision to curtail severely the B-70 program. Jackson said in a statement

to the press that "this is another example of reducing our security for purely budgetary reasons."²⁹ Congressional critics were quite vocal, so much so that the day after the Air Force announcement of the B-70 cutback, President Eisenhower held a press conference at which he stressed the gains made in missile technology and production, citing the now operational Atlas missile. Eisenhower asserted that the Atlas program permitted cuts in bomber orders and warned that the nation should be on its guard against a "hysterical urge" to spend great amounts of money on new weapons.³⁰

Clearly, the economic dislocations that would result from the Administration's curtailment of the B-70 program were of great concern to the Congress. Indeed, while there were many legislators motivated to take issue with the Administration's position on the B-70 out of a conviction that the manned bomber was a weapon necessary to insure the security of the United States, it can be argued -- if not proved -- that many lawmakers were motivated to fight for the B-70 primarily from an economic viewpoint. Evidence to support an "economic incentives" proposition is largely circumstantial but nonetheless compelling. The argument is addressed here only to introduce a possible explanation of congressional behavior.

In other words, the "economic incentives" scenario may be a factor in explaining why Congress wished to exert influence on critical decisions concerning weapons development and its willingness to maintain the role as spokesman for the military services.

As indicated above, the curtailment of the B-70 program immediately translated into layoffs of at least 4,000 workers in companies holding primary B-70 research and development contracts. It is impossible to know how many more companies and their employees were affected by the cutback because firms holding support or so-called secondary or sub-contracts for the program were not disclosed publicly. This adverse economic impact of the curtailment of the B-70 in the research and development stage of the program provides some insight into the economic impact of a \$10-12 billion full-blown production and deployment B-70 program. Such a venture would provide many jobs and contribute substantially to the economic well-being of many states and congressional districts. Bruce Russett had made the observation that "especially in the American political system, where power in the legislature is highly decentralized, representatives and senators are heavily dependent on their own local power bases among their constituents."³¹ Russett goes on to make the point that high

levels of defense spending help a majority of congressmen to maintain their local power bases by providing for the economic well-being of their districts. He adds, "the long-standing practice of allowing congressmen of the President's party to announce the award of defense contracts to their districts does nothing to diminish the image of military spending as contributing to legislators' political well-being."³²

Russett's argument may have implications for an observation made by Samuel Huntington. The latter points out that between 1950 and 1958 Congress reduced military appropriations requests by roughly three percent (as compared to an 18 percent reduction in foreign aid requests), "but it almost never did so in a manner which seriously affected a major strategic program."³³ While Huntington attributes this behavior to "a strong tradition in Congress" not to interfere in wartime strategy (the cold war obviously satisfying this condition), Russett's point of view is another viable explanation of congressional behavior in the area of spending for strategic weapons. The economic benefits which would accrue to local districts as a result of a continuing B-70 program must be raised as a possible motivation for congressional insistence that the program be pursued. In a more general sense, the economic incentives

proposition may contribute to an explanation and/or understanding of why Congress tried to exert influence on decisions concerning weapons development.

On January 11, 1960, in an appearance before the National Press Club, Chief of Staff of the Air Force, General Thomas D. White, served notice that he intended to go to Congress against the Eisenhower Administration's decision to cut the B-70 program. White said "I will testify honestly and according to my convictions." He made his convictions very clear: 1) the B-70 could be an "all-purpose craft" that would make it possible to deliver "three score of troops anywhere on the globe in five hours," and 2) that equipped with radar to spot targets, the B-70 could fire nuclear-tipped ballistic missiles at a target from 1,000 miles away.³⁴ On the same day, Senator Claire Engle of California attacked the B-70 decision in a speech on the Senate floor. The cutback was denounced as a "... blunder which may have the gravest consequences to our national security...."³⁵

In a press conference two days later, President Eisenhower gave assurances that he would attend the impending summit conference with Chairman Khrushchev in a position of military strength. The President angrily responded to a question concerning General White's attack

on the B-70 cutback by explaining that the reduction was not a budgetary decision (as suggested by White), but was a result of his conviction that the plane would take a long time to produce, by which time military strength would be increased in other ways.³⁶

The President's remarks seemed to have moderated the criticism, but not to have quieted it. General Thomas C. Power, Commander of the Strategic Air Command, in a speech to the National Security Commission of the American Legion, called for the "expeditious development of the B-70 to take the place of the most modern bomber in SAC's inventory now, the B-52."³⁷ Power presented the argument that in about two years the Soviet Union might have enough missiles to mount a massive attack on the U.S., and when that time came the U.S. would have no active defense against their missiles, "... not even enough time to get (the present B-52) SAC bombers off the ground." General White, on the other hand, decided against directly fighting the President -- perhaps as a direct result of the President's attack on him.

While the military moderated its criticism -- at least for the moment -- the Congress continued. The Senate Subcommittee on Military Preparedness, chaired by Lyndon Johnson, continued to probe into the "missile gap"

problem and the B-70 program. On February 9, 1960, the Committee heard testimony from General Twining, Chairman of the Joint Chiefs of Staff, in which Twining revealed that he had supported the Air Force's B-70 program, but was overruled by higher officials, including the President.³⁸ The Committee pressed that point. The next day, in the House, Representative Carl D. Vinson, Chairman of the House Armed Services Committee, assailed the President's B-70 decision, charging that the United States' power was waning because "... for the last decade we have measured military requirements in dollars."³⁹

The congressional pressure on the Administration for the bomber program continued. In May, support for the B-70 came from another source, though certainly not an unexpected one given that source's relationship with the aviation and electronics industries. E. R. Quesada, speaking for the Federal Aviation Administration, testified before a House committee in support of the B-70 program as the only way a commercial supersonic transport could be built. He argued that the construction of such a craft was beyond the capacity of an airplane manufacturer, or even a group of airlines or manufacturers, and that without the proper federal support of the B-70 development program, which he maintained would solve up

to 80 percent of the problems of a transport version, the Congress could not expect development of a transport.⁴⁰

The Air Force would soon include Quesada's argument in its renewed drive in the Congress for the B-70. General White, in testimony before the House Committee on Science and Astronautics on May 24, used the May 1 U-2 incident to reopen and reinforce his views on the B-70. White argued that the ease of penetration of a high flying aircraft was proof of the B-70's utility as a high flying attack craft. He also emphasized the point that the B-70 was a possible prototype for a high speed, high altitude commercial airliner and transport.⁴¹

General White in testimony before the Senate's Defense Appropriation Subcommittee asked the Congress to reinstate the B-70 program and accelerate the program. The President's budget request for fiscal 1961 was \$75 million. White asked for appropriations of \$360 million.⁴² Nine days later, on June 8, 1960, the Senate Appropriations Subcommittee approved the \$360 million White pressed for over the President's opposition.⁴³ A week after that, the entire Senate added an additional \$130 million to the increase recommended by the Appropriations Committee and approved a budget \$1 billion in excess of the President's request -- \$360 million of that for the development of

the B-70.⁴⁴ The House passed a similar bill and the two versions went to a conference committee.

At the conference committee level the Administration carried out its counterattack. In a letter to the committee from Eisenhower's new Secretary of Defense, Thomas Gates, Jr., the Secretary in an item-by-item commentary accepted virtually no changes in the Administration's appropriations request. With regard to the B-70 program Secretary Gates wrote: "It is considered that a development program at the level reflected in the President's budget is adequate at this time."⁴⁵ In spite of this Administration pressure, the conference committee rejected the Administration's arguments concerning the B-70 and agreed to finance a full development program for the bomber. The group decided on \$265 million and gave the Air Force the prerogative of using an additional \$100 million tentatively earmarked for Bomarc missiles or interceptors.⁴⁶ The total \$365 million was \$5 million more than General White said he would need for an all-out B-70 development program. Three days later, on June 30, the Senate and the House approved the conference committee report.⁴⁷ Senator Lyndon Johnson used the occasion to charge that a June 9 memorandum issued by the Secretary of Defense's office indicated that the Administration did

not plan to spend all the funds added by Congress.⁴⁸

But despite this action by Congress, the Administration did not revise its schedule of the B-70 program. As late as October it had not authorized the Air Force to proceed with the program at the level authorized by Congress. However, on October 31 a few days before the presidential election, the Department of Defense announced to the press a policy shift with regard to the B-70. It ordered a major expansion in development work of the program and authorized the Air Force to proceed with a "substantially augmented program" including the construction of 12 fully equipped prototypes.⁴⁹ The Administration released an additional \$155 million to implement the policy reversal bringing the total expenditure for the fiscal year to \$265 million, \$190 million over the original request. Air Force officials were optimistic about the future of the program, but began doing the spade work for the next appropriation by suggesting that the pace at which the Air Force could move would depend on the next appropriation.

Presidential candidate Senator John F. Kennedy was quick to respond to the Department of Defense announcement. Kennedy called the announcement:

... a transparent political maneuver....
The objective is not to increase national defenses, it is to increase Republican votes. That the Republican Administration waits a week until the election to release the funds speaks for itself.⁵⁰

Indeed, the B-70 program, despite Air Force pressure and congressional appropriations, may well have been phased out by the Eisenhower Administration if it were not for the fact that its candidate Richard M. Nixon, was shown to be behind in the polls in "aircraft country" on the west coast. The maneuver did not win the election for Nixon (although he did win in California) but it did mean that the B-70 issue would be carried to the Kennedy Administration.

The cited change in behavior and public attitude by the Eisenhower Administration toward the B-70 from a less assertive and cautious profile, before 1958, to an assertive and bold profile against the rapid development of the aircraft, post 1958, can be interpreted as evidence that the Secretary of Defense and the President employed the legal resource to make decisions on weapons systems given to the Secretary of Defense by the 1958 amendments to the National Security Act. The willingness of the Air Force leadership to compromise with the Administration on their

aircraft development and production program post 1958 is further evidence that the legislation had an impact both on Air Force behavior and on the decision-making process. Failing to reach an accord with the Secretary of Defense, the Air Force took advantage of its legislatively sanctioned right -- first given to it in the 1949 amendments to the National Security Act and then reasserted in the 1958 amendments -- to go to Congress with its grievance. This pattern would continue through the Kennedy, Johnson and Nixon Administrations, with Congress exerting relatively little influence on the process.

CHAPTER SIX

THE B-70 AND THE KENNEDY ADMINISTRATION

Introduction

Thus far the B-70 case study has revealed that the President and Secretary of Defense had resisted congressional Air Force efforts to force the commitment of more funds and an accelerated B-70 development program. I have argued that a primary factor in enabling the President and Secretary of Defense to withstand such efforts was the legal authority granted to the Executive Branch in the National Security Act as amended. This chapter will continue that argument and will focus on the B-70 and the Kennedy Administration.

Much has been written about the Department of Defense under the leadership of Robert S. McNamara. Particular attention has been paid to McNamara's "management revolution" which was "based on a set of methods and techniques which came to be called a programming, planning, and budgetary system (PPBS)."¹ Clearly, the prevailing consensus among scholars is that under Secretary McNamara centralized civilian control of the Department of Defense

was greater than had existed before McNamara or since his tenure in that office. A primary factor in explaining McNamara's ability to consolidate civilian domination was the innovative management scheme utilized by the Secretary. Other factors are significant in explaining McNamara's ability to establish the high degree of control that he enjoyed. Certainly, the confidence and trust publicly expressed for McNamara first by President Kennedy and then President Johnson was one source of the Secretary's strength. (Indeed, it should be recognized generally that a major source of Executive Branch strength relative to legislative branch strength comes from the executive's strong capacity for unity, especially between a President and a member of his cabinet.) Paul Hammond has suggested what he considers to be a crucial factor in explaining McNamara's ability to assume total control of the Department of Defense, namely that McNamara stepped into the Department at a time when there existed a "... vacuum of unexplicated strategic concepts and objectives."² Still another explanatory argument cited by Hammond, but first advanced by Warner R. Schilling, is that while McNamara was consolidating his control over the Department of Defense through his "management revolution," the military budget was increasing, which meant that the military

services and their allies in Congress had little incentive to challenge McNamara.³

While there can be little doubt that the factors cited above are significant in explaining McNamara's ability to consolidate civilian control of the Defense Department, the most important condition was structural and legal: McNamara came to the Department of Defense after the 1958 amendments to the National Security Act of 1947. Those amendments, as established in previous chapters, had the effect of significantly increasing the Secretary of Defense's authority and power over the military services -- especially with regard to decisions concerning weapons systems. In other words, McNamara's ability to consolidate centralized civilian authority in the Defense Department was made possible because centralized civilian authority in the hands of the Secretary of Defense had been legislatively sanctioned and legitimized by the 1958 amendments. To be sure, McNamara took great advantage of his legal authority. Without a statutory base upon which to build and consolidate his power, McNamara may well have suffered the same frustrations as his predecessors.

Chapter five took note of the Eisenhower Administration's change in attitude toward Congress after the enact-

ment of the 1958 amendments to the National Security Act. This change was characterized by a firm stance against congressional attempts to force the Administration to alter its stated priorities in weapons development. The Kennedy-McNamara team took a similar stance against Congress. The B-70 bomber program represented a major test of the Kennedy-McNamara Administration's determination to establish and implement its own weapons priorities and programs in spite of congressional pressure to alter those programs. An examination of the B-70 program in the Kennedy-McNamara years reveals that the centralized authority vested in the Secretary of Defense by the 1958 amendments to the National Security Act (and taken full advantage of by Secretary McNamara) was sufficient to allow the Administration to resist continued and constant pressure from the Air Force and its congressional allies to begin a full-scale B-70 production program.

The B-70 and the New Administration's Defense Program

To be sure, Senator John F. Kennedy's successful bid for the Presidency was in no small way related to the issues of national security and defense. Soon after assuming office and appointing Robert S. McNamara as his Secretary of Defense, Kennedy would make major revisions in

the nation's military posture and the Eisenhower Administration's approach to national security.

However, before the new Administration could evaluate for itself the American military posture, the Air Force and its industrial-congressional allies opened a new phase of the campaign to insure continued funding of the B-70. On February 11, 1961, North American Aviation dramatically unveiled a full-scale mock-up, more than 150 feet long, of the new B-70. The craft was posed before a giant mural of a desert scene in one of the company's hangars at its California plant. The New York Times reported that it was apparent that "no effort has been spared to put across the point that here is the future today."⁴ Up to that point in time, slightly less than \$800 million had been spent on the program.

In the Congress, Senator Claire Engle began prodding the Kennedy Administration to approve a big increase in production of the B-70. He told the Senate that the new craft offered "... a dimension of military security not provided by the whole family of ballistic missiles."⁵

But on March 28, President Kennedy, in a special message to the Congress concerning major revisions in the Eisenhower Administration's last defense budget, unfolded the first phase of what analysts would soon call his

"multiple option" or "flexible response" policy. The President asked for an almost \$2 billion increase over Eisenhower's budget; he urged a speedup in long-range missile strength, increases in Polaris submarines, increases in Minuteman I.C.B.M. bases, and stressed the need for "small war" preparation and therefore a greater manpower requirement.⁶ While he pressed for more money and more weapons, he also announced a major cutback in the B-70 program. He revised downward the twelve fully equipped planes development program granted in the last months of the previous Administration to four partially equipped planes.⁷

Realizing the political sensitivity of the announcement concerning the downward revision of the bomber program, the President provided a relatively lengthy explanation of his decision:

The acquired missile capability programmed by this message also makes unnecessary and economically unjustifiable the development of the B-70 Mach 3 manned bomber as a full weapons system at this time. The B-70 would not become available in operational numbers until well beyond 1965. By that time we expect to have a large number of intercontinental ballistic missiles, fully tested and in place, as well as a substantial manned bomber force mostly equipped with air-to-ground missiles. In view of the extremely high cost of

the B-70 system its lesser survivability as a ground-based system, and its greater vulnerability in the air compared to missiles, its capabilities as a second strike system do not appear to have sufficient advantages over a much less expensive missile, or even a B-52 or successor bomber equipped with Skybolt, to justify a request in fiscal year 1962 for \$358 million.*⁸

With these arguments the President took an almost identical view of the B-70 program, as had the Eisenhower Administration before the electoral pressures of the 1960 Presidential campaign. However, perhaps in an effort to avoid engaging the Air Force and the Congress the way Eisenhower was forced to, the President, while slashing the program more than 40 percent, added the following remarks:

We recognize, however, that there are still uncertainties with respect to operational characteristics of our planned missile force. We also recognize that there are certain advantages inherent in a controlled force of manned bombers. To preserve the option of developing this manned bomber weapon system, if we should later determine such a

* Eisenhower's final defense budget for fiscal year 1962 requested \$358 million for the B-70 program despite the President's well-known and well-documented opposition. This unusually high request may have been included so as to avoid making credible the charge of "political maneuver" over the last minute policy reversal and release of previously impounded B-70 funds.

system is required, I recommend that the B-70 program be carried forward essentially to explore the problems of flying at three times the speed of sound with an airframe potentially useful as a bomber, with the development of a small number of prototype aircraft and related bomb navigation systems. We should also explore the possibility to developing a manned bomber system specifically designed to operate in an environment in which both sides have large ICBM forces.

Even on this more limited basis, the B-70 project will cost \$1,400,000,000 before it is completed in 1967. Approximately \$800 million had already been provided, \$220 million is now requested for 1962 -- \$138 million less than the amount included in the January budget -- and the balance will be required in subsequent years. The total development program which I am recommending will cost \$1,400,000,000 less than that previously planned.⁹

In spite of the Administration's efforts to head off a political fight over the B-70, Secretary McNamara spent the better part of the next month defending the Administration's decision to the Congress. The Kennedy Administration would have to be significantly more vigorous in defending its decisions to Congress since after January 1, 1961 congressional authorization of most military projects was required in addition to the usual appropriations review. Section 412(b) was incorporated into the Military Construction Authorization Act for fiscal 1960 and directed that:

No funds may be appropriated after December 1, 1960, to or for the use of any armed forces of the United States for the procurement of aircraft, missiles, or naval vessels unless the appropriation of such funds has been authorized by legislation enacted after such date.¹⁰

The effect of this provision was that instead of the single confrontation with the Congress before the Appropriations Committees, the Administration now had the Armed Services Committees to deal with as well.

Raymond H. Dawson, in a short study of the annual authorization provision argued that:

The innovation was deliberately intended to alter the balance in executive-congressional controls over some strategic decisions Section 412, in effect, represents an attempt by key legislative spokesmen in the defense area to reorder the formal process of policy-making in a manner which, by broadening the span of control and jurisdiction of the Committees on the Armed Services, will enhance the power of Congress.¹¹

While Dawson read the enactment of Section 412 as an attempt by Congress to share in strategic decisions with the Executive Branch, Bernard K. Gordon saw the same legislation as an attempt by the House and Senate Armed Services Committees to share in decisions with the House and Senate Defense Appropriations Subcommittees. Put more directly, Gordon presents a strong argument to sug-

gest that the legislation was motivated not by a congressional desire to reorder the congressional-executive balance in strategic decisions, but rather was enacted in an attempt to reorder the balance within Congress itself.¹² For purposes of this study, it is particularly interesting to note that the House and Senate Armed Services Committees in attempting to restructure and reassert their involvement in major weapons decisions, used legislation to that end. In short, they defined a role for their organizations -- much the same way as they defined the role of the Secretary of Defense, by legislation.

While Dawson and Gordon disagree over the motivation for enacting Section 412, both saw the legislation as potentially enhancing congressional power vis-a-vis the executive. Whether Section 412 actually did bolster congressional power is not at issue here. If the legislation was, as Dawson suggested, an attempt by Congress to share in strategic decisions, the case study will reveal that the Administration -- even under intense congressional pressure -- had the strength to resist and enforce its B-70 decision; and that the centralized authority vested in the Secretary of Defense by legislative action was a significant factor in enabling McNamara and the Administration to stand its ground.

Two weeks after the President's "Special Message to the Congress on the Defense Budget," Secretary McNamara testified before a hostile House Armed Services Committee repeating the arguments made by Kennedy for the B-70 decision. The B-70 was unnecessary because: 1) it was expensive; 2) it was vulnerable; 3) it could not be operational in the near future; 4) missiles by then will be proven and ready; and 5) there still existed a substantial manned bomber force armed with air-to-ground missiles.¹³

On the same day, at the other end of the Capitol Building, Secretary of the Air Force, Eugene M. Zuckert, and General Thomas D. White, Air Force Chief of Staff, pressed the Air Force's case for the B-70 in a closed session of the Senate Armed Services Committee. Indirectly, their appeal to Congress was to overrule the President's B-70 budget. The two officials argued that the decision to cutback the B-70, if allowed to stand, would create an imbalance in the nation's future retaliatory power. The basic elements of the argument remained the same as those raised during the Eisenhower years. The B-70 was necessary to provide: 1) the proper strategic weapons mix; 2) flexibility of bombers over missiles; and 3) greater control of bombers over missiles.¹⁴

On April 18, McNamara again defended the program cut-back, calling the B-70 "unnecessary" before the Senate Appropriations Committee. McNamara explained that "the B-70 was originally conceived in 1953 as an ultimate replacement for the B-52. At that time the important place the ICBM would have in our strategic arsenal could not be fully foreseen."¹⁵ At the same time McNamara was making his statements before the Committee, the Secretary's office released to the press a report that said that reported improvements in Soviet air defenses had been an important factor in the decision to cutback the B-70 plan.¹⁶ It is clear that the Administration was making an all-out effort to enforce its B-70 plan.

It appeared that the Administration had achieved its objective. On May 3 the House Armed Services Committee approved the President's B-70 request without change. Chairman Carl Vinson said, "... a great many things about the B-70 still had to be cleared up before production plans were warranted." But Vinson added, as if to put the Administration on notice, "the Committee was unanimous in its belief that this country needs the proper mix of missiles and bombers."¹⁷ To underscore this position, the Committee authorized the continuation of the B-52 con-

struction program beyond the close-out date established by the Eisenhower Administration and adopted by Kennedy to the sum of \$337 million.

On May 9 the Senate Armed Services Committee also accepted the Administration's decision to curtail the B-70 program. Like its counterpart in the House, the Senate panel approved the continuation of the B-52 program and authorized \$525 million for that purpose.¹⁸ On May 15 the Senate accepted its Committee's recommendations, thereby also approving the Administration's revised B-70 program as well as the \$525 million for B-52's. The authorized B-70 program was \$220 million, \$138 million below the Eisenhower request.¹⁹ These actions in both the House and Senate only authorized appropriations. The Congress still had to enact appropriations legislation, at which time the authorized spending levels and programs could change. Nonetheless, it appeared at that point in time that Kennedy and McNamara had successfully defended their B-70 decision.

The Next Round

Within two months the situation was to change due to the publicity afforded to a Soviet Air Force Day show at which the Soviets unveiled a new prototype heavy bomber,

which stimulated a renewed and revitalized Air Force campaign directed by the Air Force's new Chief of Staff, General Curtis LeMay, and aimed at the Congress. The publicity surrounding the Soviet Air Force Day show came from many quarters and was translated into concern for the future of the American manned bomber. For example, on July 9, 1961, Hanson W. Baldwin, the respected military writer for The New York Times reported that the Soviet Union had announced that two new heavy long-range jet bombers -- apparently capable of high speed and high altitude -- were in production.²⁰ Baldwin went on to discuss the proposition that while piloted bombers were often characterized as "obsolete," they seemed to be useful to both the United States and the Soviet Union. He speculated that bombers were being stressed because of the limited number of ICBM's available to both sides and the limited reliability of the long-range missiles. Moreover, he argued, missiles lack the flexibility of bombers, i.e., they cannot be recalled. Two days later The New York Times ran an editorial supporting the Air Force's bid to continue to produce and develop long-range bombers, and cited the Soviet Air Force show as evidence that the Soviets were continuing their aircraft production.²¹

In the midst of this new support, the Air Force let it be known that it was preparing a vigorous appeal to Congress to invest heavily in bombers. Air Force officials reported to the press that General LeMay would ask the Congress for more funds to develop the B-70 bomber. In response to questions from the press, an Air Force information officer said that the Soviets had "made major progress" in developing "all types of aircraft," and went on to describe a new heavy Soviet bomber, powered by turbojet engines of "obviously a supersonic design with its highly swept delta-wing configuration."²² The Kennedy Administration was also gearing up for the bomber controversy. Following the Air Force "notice," Roswell L. Gilpatric, Deputy Secretary of Defense, held a news conference and conceded that in fact the Russians had clearly made progress in manned aircraft, but that the Administration nevertheless believed that the country's strategic bomber forces were adequate.²³

Senators Stuart Symington and Barry Goldwater used the publicity surrounding the Soviet air show to reopen the bomber question on the floor of the Senate. Symington charged that the United States had been "hoodwinked" by the Soviets into tapering off manned aircraft development; Goldwater concurred with Symington and added that "there

is a need for manned aircraft in all categories."²⁴ On July 18, General LeMay, in testimony before the Senate Defense Appropriations Subcommittee, made his expected strong appeal for increased expenditures and an accelerated bomber development program. By all accounts, General LeMay made an impressive presentation; he was accompanied to the hearings by Brigadier General W. G. Lee, his deputy for intelligence. General Lee presented a brief lecture complete with slides of the latest manned aircraft the Soviets demonstrated in the recent Air Force Day show in Moscow. After Lee's lecture, LeMay recommended a \$448 million appropriation in a full-fledged development program that he said would provide the first flying prototype of the B-70 in December of 1962, and if properly supported, the first combat squadron of 50 B-70's by 1967.²⁵

The Committee was clearly impressed with LeMay's arguments as reflected in Senator Leverett Saltonstall's observation that the Senate would undoubtedly appropriate more money for the B-70 bombers.²⁶ And in fact, on August 1, the Senate Appropriations Committee approved the full \$448 million LeMay had asked for the B-70's development, as well as approving the appropriation of \$525 million for continued B-52 production -- both appropriations over the President's objections.²⁷ A challenge to the bomber

appropriations was made on the floor of the Senate but was easily defeated and subsequently the entire defense appropriation bill, including almost \$1 billion more earmarked for bombers, was passed.²⁸ The House followed suit but with different amounts for bombers, and in conference the B-70 appropriation was cut to \$400 million, \$48 million less than the Senate appropriation and LeMay's request, but \$180 million more than President Kennedy's request.²⁹

The Administration made no move to spend the appropriated money; Congress kept up its prodding. In mid-September, John Stennis, Chairman of the Senate's Preparedness Subcommittee, stated in a press conference that after investigation, the Subcommittee had found a "clear and critical" need for pushing the manned bomber program. Stennis went on to say that he "share[d] the concern of many of our top military planners that a critical 'gap' will occur in our military armaments in the immediate years ahead unless vigorous action is applied now to develop, produce, and procure manned weapons of the long-range bomber type."³⁰

In spite of heavy and continuous pressure and prodding from the Congress, on October 18 the Pentagon revealed that it had decided to discontinue the production

of B-52's and limit investment of the B-70 to the \$220 million recommended by the Administration to the Congress. It was announced that these decisions had been forwarded to the President for his approval.³¹ Ten days later, with the Congress out of session, Secretary McNamara held a press conference at which he stated that he had ordered a halt to the production of B-52's at the end of 1962 (as had originally been scheduled before the congressional appropriations), and that the extra \$180 million appropriated by Congress for the B-70 program would not be spent.³²

The presidential practice of impounding funds duly authorized and appropriated by Congress has been historically a significant technique by which the executive can frustrate the will and intent of Congress. As the details of the case study have revealed thus far, after the Secretary of Defense and the President failed to convince the Congress to limit B-70 funding to their recommended level and Congress authorized and appropriated money well above that level, the President simply refused to release the excess funds for expenditure. Whether this practice is constitutionally acceptable or whether there is legal authority for impoundment of funds in statute is not at issue here; rather it is important only to recognize that impoundments have been a last resort practice by Presidents to thwart the will of Congress. Suffice it to say that

impoundment has been a potent weapon among those available to the President in disputes with Congress. Indeed, it could be argued that impoundment of funds by the President has been the single most significant advantage the President has over Congress, enabling him to pursue his own weapons priorities in the face of congressional opposition. Had the National Security Act never been written or never been amended to increase the authority and power of the President and the Secretary of Defense, the Executive Branch possibly would have been victorious in disputes with Congress over weapons development because of the practice of impoundment of funds. Certainly that scenario is difficult to assess. However, arguments may be raised to question it.

Undeniably, impoundment has been used as a last resort and, in a relative sense, has been used infrequently. This may indicate a reluctance by the President to rely on a tool which is, at best, of questionable legality. Had impoundments been used more regularly there might have been a significant drive in Congress to remove it from the President's arsenal. Indeed, as this case study reveals, there was a semi-serious effort in the House of Representatives to force President Kennedy and Secretary McNamara to spend the funds authorized and appropriated by Congress

for the B-70. (It is worth noting that continued use of the impounding practice by the Nixon Administration prompted the 93rd Congress to enact legislation limiting presidential use of the tool. Also noteworthy is that impoundment was considered briefly as a possible impeachable offense of President Nixon.) More importantly, most disputes over weapons systems after the 1958 amendments to the National Security Act were settled before the budget was ever presented to Congress, perhaps indicating that the increased power of the Secretary of Defense was a more significant power resource than impoundments. The case study reveals that McNamara successfully employed other tactics to convince the Air Force and Congress to cease insisting on the B-70, tactics that could be used because of the legal authority granted to the Secretary of Defense by the National Security Act as amended. While acknowledging the significance of the practice of impounding as a potent executive tool in disputes with Congress over weapons, it is suggested that alone, impoundment would have been insufficient to allow executive dominance in critical decisions concerning weapons systems development.

The President's new defense budget for fiscal 1963 was presented to the Congress on January 19, 1962. In

line with the Administration's approach to national security, i.e., a "multiple option" or "flexible response" military posture, the budget called for greater expenditures for conventional ground forces and ground support forces capable of countering enemy thrusts in brushfire or limited war situations. He asked for no new money for production of B-52 bombers and only \$171 million for the B-70 program.

General LeMay, in his first appearance of the new session of Congress in February 1962 before the Senate Defense Appropriations Subcommittee which was beginning consideration of the President's fiscal 1963 budget, was very critical of the "budget limitations" imposed by the President. LeMay argued that this limitation might weaken the nation's first line of defense -- its strategic striking power.³³ General LeMay again asked Congress for additional appropriations over the President's requested funds; LeMay asked for \$500 million for a full-scale development program of the B-70. He was supported by Secretary of the Air Force, Eugene M. Zuckert, who stated to the Committee that Secretary McNamara "and the Air Force obviously do not agree."³⁴

The Administration countered LeMay's and Zuckert's remarks to the Committee, and in a press conference the

next day argued that in fact the strategic air power of the United States had increased and that planned outlays for the B-70 and other programs did not jeopardize the nation's strategic power.³⁵ But the Administration could not head off the impending crisis over the B-70. The confrontation between the Kennedy Administration and the Congress centering on the B-70 would escalate beyond the scope of "traditional" executive-congressional political disagreements.

Kennedy versus Chairman Vinson

On March 1, 1962 the House Armed Services Committee authorized \$491 million, \$320 million above the President's request, for the B-70 program for fiscal year 1963. This time, however, the Committee bill (H.R. 9751) included strong and unusual language:

... the Secretary of the Air Force is directed to utilize not less than \$491 million during Fiscal Year 1963 to proceed with production planning and long lead time procurement for an RS-70* ~~B-70~~ weapons system.³⁶

* In a new campaign for the aircraft the Air Force changed the designation of the B-70 to the RS-70; RS designates Reconnaissance Strike.

Previously, the Congress had not stated its disagreement with the executive (both Eisenhower and Kennedy) in such forceful terms; the Committee's report explained why this forceful language was now employed. After expressing concern that the "manned bomber" appeared "to be destined to become the forgotten weapon in our arsenal," the report went on to discuss what it called "executive frustration of expressed congressional will" which was documented by reference to the Kennedy Administration's failure to spend any of the \$515 million appropriated by Congress to continue the B-52 program or the additional \$180 million appropriated by Congress for fiscal year 1962 and earmarked for the B-70 development program.³⁷ The report then discussed Article I, Section 8 of the Constitution which grants the Congress the exclusive authority to "raise and support Armies," and "to provide and maintain a Navy." After arguing that the congressional role had deteriorated at the hands of the executive and that the process seemed to be continuing, the Committee report presented its ultimate argument for including the rather unorthodox language:

Perhaps this is the time, and the RS-70 the occasion, to reverse this trend. Perhaps this is the time to reexamine the role and function of the Congress

and discover whether it is playing the part that the Founding Fathers ordained that it should.³⁸

To underscore the determination and the intent of the Committee, the report raised the possibility of a constitutional test if the Committee's bill became law:

... if this language constitutes a test as to whether Congress has the power to so mandate, let the test be made and let this important weapon system be the field of trial.³⁹

Secretary McNamara was the first Administration spokesman to react. In a press conference on March 4 at the Pentagon, he reiterated his basic objections to the B-70, arguing that adoption of the Air Force plan to produce the controversial plane in quantity would be "a serious waste of the nation's resources." McNamara pointed out again that the Administration's plan would permit a production program for the B-70 "if circumstances appear to make it desirable."⁴⁰ McNamara did not tackle the constitutional question nor did he challenge the Congress' power to force the expenditure, perhaps indicative of the Administration's perceived vulnerability on this constitutional issue.

Meanwhile, on March 6, the Administration let it be known that it was more interested in a new "reconnaissance strike" version of the B-70 than in the original B-70. The new version of the B-70 proposed by the Air Force

would not limit the plane to bombing missions, but would include equipment that would have given the high speed, high altitude aircraft a reconnaissance role.⁴¹ The Air Force argued that fully equipped, the plane would be capable of "whizzing" high over enemy territory to take radar-assisted terrain pictures on all sides, processing them and feeding the information into missiles which would then be launched accurately to their spotted targets. It appears in retrospect that the Administration was preparing a way to appease either the Air Force and its congressional allies or to develop an escape route for itself if forced into a constitutional fight with the Congress over the program. This tactic would be employed repeatedly by the Administration in efforts to avoid confrontations by "buying off" the Air Force and its congressional allies. While this tactic has always been part of the President's arsenal in debates with Congress over procuring weapons -- as well as other public expenditures -- the 1958 amendments to the National Security Act in which Congress granted to the Secretary of Defense the legal authority to make decisions on which weapons to pursue in research and development and finally to production, enhanced the legitimacy of that tactic, making congressional challenges more difficult.

On March 7, President Kennedy held a news conference at the White House and although sidestepping the issue of whether or not the Congress could force him to spend the money it had appropriated for the B-70, he did take a strong stand against expanding the program. He stated that he had "relied very heavily" on Secretary McNamara's judgement.⁴²

At the Capitol, Representative Vinson underscored his Committee's reference to Article I, Section 8 of the Constitution in a press conference:

I think the time has come where we must determine whether the function of the Congress is solely a negative one, in that it can withhold authority or funds and prevent something from being done, but can't exercise a positive authority, and by affording the means require something to be done.

I simply don't like the idea of Congress being thought of as a kindly old uncle who complains, but who finally as everyone expects, gives in and raises his hand in blessing, and then rocks in his chair for another year, glancing down the avenue once in a while wondering whether he's done the right thing.⁴³

It certainly appeared as if Vinson would press on with his campaign. On March 8 he presented his Committee's bill to the Congress. In a continued effort to avoid direct confrontation with the Congress and Chairman Vinson, Secretary McNamara and other Administration officials met

with key members of the House trying to impress upon them the soundness of the Administration's position and decision.

The House Rules Committee, spurred on by Carl Vinson, cleared Tuesday, March 21, for a House vote on the legislation "directing" the Administration to spend the \$491 million appropriation for the B-70. Mr. Vinson said: "I feel that the B-70 is a good occasion and the present is a good time to settle once and for all the fundamental issue as to whether Congress is going to have a positive voice in our defense."⁴⁴ The following day, Chairman Vinson again told the press that he and his Committee would fight the Administration for the expanded B-70 program. President Kennedy, when questioned during his press conference about the impending House vote, stated that the dispute with Congress over the program was a matter "which I am confident, or I am very hopeful, can be adjusted satisfactorily."⁴⁵

On March 15, Secretary McNamara appeared before the House Armed Services Committee in another effort to persuade the Committee to withdraw its support for the B-70. McNamara told the Committee in a prepared statement that the B-70 project had some serious technical shortcomings. He argued that even if the plane could be developed and

even if shortcomings were overcome, the plane would not be needed by the time it could be introduced as a full weapons system (at least five years from then). After failing to persuade the Committee, Secretary McNamara held a news conference at the Pentagon and released his prepared statement to the press and reiterated his objections to the program.⁴⁶ Neither in his statements to the Committee nor in his news conference, did the Secretary discuss the congressional challenge to the executive.

On Tuesday, March 21, the date originally slated for the House vote, the battle between Vinson and the Administration abruptly ended. Speaker of the House, John W. McCormack, arranged an afternoon meeting at the White House between Chairman Vinson and the President. Vinson arrived at the White House accompanied by Phillip W. Kelleher, Counsel to the Armed Services Committee, to meet President Kennedy and Secretary McNamara. The mood of the meeting was reported to have been conciliatory. Indeed, it must have been as is evidenced by the fact that an agreement was quickly worked out. Representative Vinson agreed not to pursue further his Committee's bill "directing the Administration to spend the extra appropriation for the B-70 in return for a promise from the President and Secretary of Defense to spend more money

than originally budgeted if a new review and technological developments warranted an increase."⁴⁷ So that the matter could be settled publicly, Vinson was to receive two letters. A letter from the President would emphasize that he would not surrender to the Congress what he considered to be his constitutional rights as Commander in Chief, but that he felt it "incumbent on the executive to give every possible consideration in such matters to the views of the Congress."⁴⁸ Citing this latter reason, the letter would indicate McNamara's willingness to re-examine the B-70 program and revise the budget upward if the review warranted it. The second letter would come from McNamara indicating that willingness.

Chairman Vinson returned to the House publicly satisfied and announced that he would offer an amendment to the committee's bill substituting the word "authorize" for the word "direct."⁴⁹ He told the House that

the Congress had made its point and has won the fight -- or maybe I should not say "won the fight," but maybe I should say we caused the Department of Defense to see the error of their ways.⁵⁰

Other members of the House were not as satisfied as Vinson. Representative Frank Becker of New York called McNamara's promise to study and reevaluate the B-70 program "an old legislative trick" and said

... when you want to get rid of something, agree to a study. This is the surest way to brush something under the rug that you want to get rid of. This is all the Secretary of Defense agreed to do in his letter.⁵¹

Representative H. R. Gross of Iowa was concise in his appraisal of the whole affair:

I deeply regret that this fight started, for it is apparent now that it has been lost. This is not a compromise; it is a defeat for the entire House of Representatives.⁵²

In an analysis of this episode, Edward A. Kolodziej argued that the Armed Services Committee employed "poor legislative tactics," "overextended its position" and "underestimated the degree of congressional and presidential opposition that it would encounter."⁵³ In short, Vinson's position was untenable and Kolodziej concludes that the Congress would not have supported him, not only because Democratic legislators were reluctant to contest a Democratic President and Republican legislators were not anxious to engage in a fight involving committee jurisdictions,* but also because Secretary McNamara was

* Representative Gerald Ford of Michigan summarized this aspect of the controversy in a statement on the floor of the House during debate on H.R. 9751:

Mr. Chairman, I think that the Congress con't

admired by members of Congress for his "comprehensive understanding of defense problems and for his impressive direction of the military establishment."⁵⁴ This last point is particularly significant since Kolodziej saw McNamara's "impressive direction of the military establishment" closely tied to what he called "the unprecedented centralization of the defense establishment" which grew out of the Department of Defense Reorganization Act of 1958.⁵⁵

While I agree with Kolodziej's analysis and conclusion of this episode, I believe there is another level of analysis possible. Kolodziej assumed that the Committee's challenge was for the single purpose of trying to force the Administration to accelerate the B-70 development program. A second purpose can be seen to have motivated the

would have been unwise to approve the language 'directs' because it would have caused trouble between two great committees, the Committee on Armed Services, and the Committee on Appropriations. I am very jealous of the prerogatives of my committee, the Committee on Appropriations. I am very anxious that the Committee on Armed Services exercise to the fullest its prerogatives. I do not want those of us who are members of the Committee on Appropriations drafting legislation on an authorization bill. (108 Cong. Rec. 4714 (March 21, 1962))

Committee's behavior: to put the Administration on notice, in a dramatic way, that the Committee wanted to be involved meaningfully in major weapons decisions. Having a voice in such decisions was -- after all -- the major purpose and duty of that organization. Additionally, Chairman Vinson's behavior can likewise be explained by his personal "organizational" and "bureaucratic" desire to be once again a "power to be reckoned with" by the Administration. While he knew that his position was untenable, the dramatic threat of a constitutional battle with the President was a potential weapon which the President could not ignore. Viewing the Kennedy-Vinson affair from an organizational and/or bureaucratic perspective does not alter Kolodziej's conclusion, but it does make it less important. Vinson and his House Armed Services Committee may have known that their position would not be supported by other members of Congress, but that knowledge may not have been deemed important to their point.

Several days after the resolution of the controversy between Vinson and the Administration, the Senate Armed Services Committee passed a \$13 billion military authorization bill including \$491 million -- instead of the \$171 million requested by the President -- for an accelerated B-70 program. The Senate panel, however, did not include language seeking to compel the expenditure, but

the extra appropriation made it clear that the panel supported the Air Force's bid for the craft.⁵⁶

On the same day, Chairman Vinson read to his Committee a formal statement from Secretary McNamara indicating that he had initiated a full-scale review of the B-70 program, had placed General Benard A. Schriever, Research Commander of the Air Force, in charge of the detailed analysis, and that consideration was being given to building six prototype aircraft rather than the three called for. As part of his commitment to Vinson's Committee, Secretary McNamara requested the Air Force to prepare a new proposal to expand the B-70 program to develop and build a 2,000 mile per hour, high altitude reconnaissance strike bomber, the RS-70. The Air Force submitted this new proposal -- along with a "mountain" of documents supporting their plan -- to the Secretary on May 10, 1962. The proposal called for the production of three reconnaissance-strike prototypes, in addition to the three B-70 prototypes already under construction, complete with powerful radar and other electronic gear, as well as nuclear bombs and missiles. In view of the congressional interest and support for the program, it was suggested at the time that McNamara would probably approve certain

development projects, like the production programs for new radar and other equipment, but not the entire program, so as to mollify both the Air Force and its congressional allies.⁵⁷

The Administration's actions did seem to mollify the House, which ultimately approved an appropriations bill which increased the President's requested B-70 - RS-70 funds by only \$53 million, for a total of \$224 million.⁵⁸ In evaluating the adequacy of the House's appropriation, the Senate Appropriations Subcommittee called General LeMay to testify. LeMay did so and continued to oppose the Administration's program. He again urged Congress to appropriate the full \$491 million he had requested. LeMay told the Committee that if spending were held to the Administration's level "... we would lose more than a year" beyond the 1967 target date for the first of three B-70 prototype planes.⁵⁹ LeMay also reiterated the traditional Air Force argument for the manned aircraft: missiles, cannot think, they cannot look and report back, and they cannot be used for other than a single purpose.⁶⁰ Ultimately, the Committee sided with the Air Force Chief of Staff, against the President and the Secretary of Defense, and appropriated the full \$491 million requested by LeMay.⁶¹ On June 13, in final action by the Senate,

the entire Senate overrode the Administration and provided the \$491 million for the B-70 - RS-70 program.⁶²

The Conference Committee that was formed to adjust the differing Senate and House appropriations approved on July 25, a \$48,136,247,000 defense appropriation bill, \$229 million in excess of the Administration's request. Of that \$229 million, about \$191 million was earmarked for speedy development of the B-70 - RS-70 program, bringing the total appropriation to \$372 million. The extra money was provided so that six craft (three B-70's and three RS-70's) and all necessary equipment could be produced.⁶³ The Administration made no public comments and the intensity of the controversy subsided, at least momentarily.

In October, Representative Leslie C. Arends, the ranking Republican member of the House Armed Services Committee, charged that Secretary McNamara had apparently intended to study the need for the plane to death.⁶⁴ In response to Arends' criticism, the Secretary's office announced to the press that the Joint Chiefs of Staff would conduct a new study of the RS-70.⁶⁵ The renewed publicity apparently encouraged the Air Force to announce that it would seek a \$3.5 billion budget increase for the next fiscal year and that it intended to pursue its thus

far unsuccessful fight to produce the RS-70. The Air Force proposal for more money included a request to build eight RS-70's instead of being limited to the three already approved prototypes of the "old" bomber.⁶⁶ The Air Force announcement, coupled with the renewed congressional criticism, seemed to put the Administration on notice that another battle would develop if the craft were not provided for in the President's budget for the next fiscal year.

However, even before the President presented his defense budget to the Congress, three events took place that intensified the controversy: 1) on October 26, 1962 the Air Force took delivery of the 744th B-52 bomber, the last to roll off the Boeing production line (the General Dynamics Corporation had completed the last contracted B-58, the 116th, two months before, meaning no more bombers were under production in the United States);⁶⁷ 2) on November 15 the Air Force announced that because of technical problems, the first test flight of the B-70 would be delayed at least three months;⁶⁸ 3) finally, it was learned late in December that after a commitment of over \$500 million, the Kennedy Administration planned to abandon the Skybolt missile development program. Skybolt was an air-to-ground missile that was to have provided

bombers with the capacity to penetrate anti-aircraft defenses. The end of the Skybolt program and the announced delay in the B-70 schedule were taken as further evidence that the Administration ultimately would rely solely on missiles for strategic defense.

The Administration formally stopped the Skybolt program on January 1, 1963. Air Force leaders and their congressional allies immediately began preparing what was called an "either or campaign," i.e., a campaign to continue Skybolt* or expand the B-70 development program. When the Administration presented its defense request to Congress, only funds to sustain the current program of three partially equipped B-70 prototypes were included.⁶⁹ The House Armed Services Committee was the first to re-apply pressure to the Administration. On February 25, 1963 the Committee voted to authorize the construction of two extra craft.⁷⁰ Carl Vinson, still the Committee's Chairman, remarked that the Committee's action reflected

* While impounding no new funds the Administration had at this point impounded almost \$142 million of the B-70 program funds. The availability of bombers armed with Skybolt was an important factor cited to the Congress as justification for withholding the funds.

"a deep and abiding belief ... that manned systems should continue to be a major part of our military force."⁷¹

After two days of debate centering around the RS-70, the House agreed to an increased expenditure for the RS-70 program by a vote of 226 to 179.⁷² The Administration made no comment on the vote, but Secretary McNamara had indicated previously that the Administration absolutely would not use any additional funds.

The controversy may well have been ignited once again but for another brief announcement by the Air Force that the first prototype of the B-70 would not be flight tested until "September at the earliest."⁷³ This meant at least a year's delay in the Air Force's original plan and seriously weakened the Air Force-congressional argument to commit more funds to the program. Administration officials, on the other hand, used the delays to argue against any and all propositions to expand the program. In the final appropriations, the Congress did indeed include the extra money, but no congressional pressure was applied on the Administration to spend it. However, a new Air Force campaign and a bullet in Dallas would soon make the B-70 - RS-70 program Mr. Johnson's problem.

Conclusion

The details of the B-70 controversy during the Kennedy Administration reveal that in spite of the vigor of the campaign waged by the Air Force for its new bomber -- taking full advantage of its unimpeded access to Congress -- and in spite of continuous heavy pressure from the Congress in the form of appropriations well in excess of requests, constant criticism of the Administration's failure to spend the appropriated money and, of course, the challenge from the House Armed Services Committee, the Kennedy-McNamara Administration was able to stand its ground and enforce its decision to curtail the B-70 program.

It is clear that the centralized authority over the military services and over decisions concerning weapon systems enjoyed by the Secretary of Defense was a major factor in allowing the Administration to stand its ground and pursue its own weapons priorities. Centralized authority located in the Office of the Secretary of Defense contributed to the Administration's ability to resist congressional-Air Force pressure to expand the bomber development program in several ways. Perhaps most importantly, centralized authority meant that it was no longer possible for the military services to act independently of the

Secretary or of each other on major weapons development decisions. The Secretary, charged by Congress with overall direction and control of the subordinate military departments, took the initiative (bolstered by legislatively sanctioned authority) and developed overall policy for the Department of Defense. Additionally, the Secretary imposed an integrated program-planning-budgeting procedure for decision-making in the Department and forced the military services to conform to that procedure. This meant that the Secretary not only decided major policy issues, but also decided which issues, and in what form, those issues would be addressed. In other words, centralized authority allowed the Secretary to take the initiative in the establishment of the frames of reference for data selection and analysis, to choose many of the issues at controversy, and most importantly, to specify the criteria by which issues would be decided. As a result of this centralized control of issues and policy development, the Secretary was able to control and subordinate the senior military staffs and deny to them their traditional role of deciding military policy -- and the weapons to support such policy; no longer could the military justify its decisions solely on the basis of its claim of specialized and esoteric knowledge. Under McNamara the mili-

tary was forced to explain and justify its plans in terms of an integrated and coordinated Department of Defense policy.⁷⁴

This "scientific" but centralized approach to decision-making gave the Secretary an enormous advantage over the services. The Secretary could present an integrated and "rational" approach to military policy (and the weapons system necessary to support that policy), while the individual service could only present its own, and in some cases isolated concern. Such was the case in the Air Force's bid for an expanded bomber program. The case study has revealed the manner in which the Administration defended its decisions on the bomber program; each time it was called upon to defend its decision on the B-70 it did so in the context of a total defense posture.

Such an approach by the Administration also restricted congressional participation in the decision-making process. Congress was presented with an integrated and rationalized military policy blueprint, in the main supported by major elements of the Department of Defense. Congressional criticism of McNamara's blueprint was limited to those arguments provided to it by dissident elements of DOD, arguments previously dismissed by the Secretary on the basis of his integrated program-planning-budgeting

procedures.

As has been suggested previously, many scholars have acknowledged the high degree of centralized control of the Department of Defense concentrated in Secretary McNamara's Office, but have explained this centralization only in terms of McNamara's management innovations such as PPBS and cost-benefit analysis. There is no dispute that these management techniques aided Secretary McNamara in consolidating his control over the defense establishment. However, "consolidation" implies that the basis for centralized authority already existed. It was the authority delegated to the Secretary of Defense via the National Security Act of 1947 as amended which established the centralized authority that McNamara was to build upon and consolidate. Indeed, in ways already explained in chapter four, it was the 1958 amendments to the Act that gave the Secretary the authority to make decisions concerning weapons systems; without that authority and responsibility McNamara's management revolution might never have been initiated.

Representative F. Edward Hebert, a ranking member of the House Armed Services Committee, recognized that McNamara's power and authority over the defense establishment and his ability to resist congressional pressures

was at least partially a result of legislation. In an interview in February 1963, Hebert, without elaborating, stated that he feared that Congress had given the Secretary of Defense too much power to override the generals and admirals and that Congress might have to take back some of the Secretary's authority.⁷⁵

CHAPTER SEVENTHE B-70 AND
THE JOHNSON AND NIXON ADMINISTRATIONSIntroduction

The announced delay in the B-70 - RS-70 test flight program and the elevation of the manned bomber debate to the level of presidential-electoral politics were new dimensions in the long-standing controversy over the B-70 program during President Lyndon B. Johnson's Administration. While these dimensions altered the course of the controversy, the President and his Secretary of Defense remained in firm control of the United States' strategic weapons development program -- including the B-70 program. President Johnson's political style and mastery of the art of political bargaining were undoubtedly significant factors in enabling his Administration to withstand congressional pressure to change weapons development priorities. However, of at least equal significance was the centralized authority over the military possessed by the Secretary of Defense and his legislatively sanctioned responsibility and power to make decisions concerning the

development of military weapons systems. These two factors are certainly not mutually exclusive. Johnson's ability to bargain with his political adversaries -- in this case, the Congress and the Air Force leadership -- was in large measure based on his ultimate authority to make decisions concerning weapons systems. This authority was of course delegated to the Executive Branch (technically to the Secretary of Defense) by the Congress in the 1958 amendments to the National Security Act of 1947.

The long delay in the initiation of the RS-70 test program, caused by a series of serious technical problems, critically weakened the Air Force position for an accelerated and expanded RS-70 production program. Opponents of the RS-70 program some of whom were located within the Office of the Secretary of Defense took excellent advantage of the technical problems and began pressing the Air Force to cancel the construction of at least one of the three RS-70 test models; cancellation of one craft would save about \$50 million. To encourage the Air Force to take this action, the Secretary of Defense's office let it be known that it was seriously considering an Air Force proposal for a new type of strategic bomber. It was rumored that Secretary McNamara was expected to approve the plan

and allow research on the project to begin.¹

President Johnson had a long history of support of the Air Force and specifically of the B-70 - RS-70 manned bomber program. While in the Senate, and as Chairman of the Senate Subcommittee on Military Preparedness, Senator Johnson initiated an investigation of the "missile gap" question and dealt specifically with the B-70 program. His support at that time was unequivocally with the Air Force as evidenced by his statements and questions throughout the investigation.² However, it should be noted that while John Kennedy was in the Senate, he too supported the B-70 program against the Eisenhower Administration's policy; upon assuming the Presidency, Kennedy's support of the program evaporated. In short, the position of Senator Johnson on the B-70 program was not necessarily a good guide to the position that President Johnson would assume.

Johnson had been in the White House less than six weeks when Senator Barry Goldwater, the front-running Republican presidential contender, reignited the missile versus manned bomber controversy. On January 9, 1964, Goldwater charged that the nation's long-range missiles were "not dependable" and made it clear that he favored a modern manned bomber force.³ The Administration re-

sponded quickly and forcefully. Secretary McNamara, on the same day, called a press conference at the Pentagon and asserted that Goldwater's charge was "completely misleading, politically irresponsible and damaging to the nation's security." McNamara added: "there is no information, classified or otherwise to support the false implication that our long-range missiles cannot be depended upon to accomplish their mission."⁴

Secretary McNamara's swift response to Senator Goldwater's remarks on behalf of the Administration, coupled with the vague rumors that the Administration was seriously considering a new Air Force plan for a manned bomber, provides the backdrop for continuing the analysis of the B-70 - RS-70 manned bomber controversy during the Johnson Presidency. It appears that the Johnson Administration was trying to accomplish at least three goals: 1) encourage the Air Force to drop voluntarily one test model of the B-70 - RS-70; 2) satisfy manned bomber advocates in the Congress; and 3) stem the manned bomber controversy before it became a full-blown presidential campaign issue. The Administration succeeded to varying degrees in all three efforts.

The Air Force Changes Course

General Curtis E. LeMay, Air Force Chief of Staff, in his first appearance before the Congress in 1964, recommended to a congressional committee that one of the three B-70 - RS-70 prototypes then under development be dropped. LeMay, who had been an outstanding advocate of the B-70 and of retaining a major role for big bombers in general, appeared to be giving up his long battle for that aircraft. He apparently was willing to take the road opened to him by the Administration: drop one prototype of the B-70 in return for support of a new manned bomber system. LeMay began lobbying the Congress for \$52 million to begin development of this new -- as yet undesignated -- manned bomber. The Administration wrote into the new defense budget \$5 million for "studies."⁵

On February 20, 1964, the House overwhelmingly voted to include the \$52 million LeMay requested for the start of a new bomber to replace the B-52 and B-58.⁶ Five days later, the Senate Armed Services Committee agreed with the House and passed the \$52 million provision of the new bomber.⁷

Secretary McNamara publicly opposed the congressional move to provide the Administration with more money than it requested for the new manned strategic bomber. McNamara

argued that the Air Force had not provided a "satisfactory concept" or a "specific plan" to develop, produce and use a new bomber, but that if they could, he would be willing to approve an expanded plan to develop the craft at a later date.⁸ But the Congress remained firm. In a compromise \$17 billion military authorization bill, \$50 million was included by the Conference Committee for the start of a new manned bomber program.⁹ The conference report was promptly approved by the Senate and a few days later by the House.¹⁰

However, the Administration had succeeded in redefining the object of the battle. It had done so by using authority granted to the Secretary of Defense by the 1958 amendments to the National Security Act. Specifically, the 1958 amendments revised Section 202 of the original act and granted the Secretary of Defense sole authority to exercise "direction and control over policy, plans and coordination concerning the status of scientific research." The Secretary, using this authority, simply approved "for studies" a new manned bomber weapons system. On March 5, 1964, Secretary McNamara formally announced the decision to drop one of the three B-70 prototypes previously authorized. McNamara cited some of the difficulties with the program: it was almost 18 months

behind schedule; fuel leaks continued to plague the prototype; and serious problems were encountered in efforts to connect the wings and fuselage so that the craft could withstand the high temperature problems associated with supersonic flight.¹¹ McNamara's decision was clearly the first step in assuring that the B-70 - RS-70 would never go into full-scale production, and judging by the "lead time" necessary to produce even the prototypes of the B-70 - RS-70, the new manned bomber program would not be a major money problem for some time to come.

There was little, if any, congressional criticism of McNamara's announcement. This does not mean that the advocates of a manned bomber program in Congress were giving up the battle with the Administration over production of a follow-up manned bomber. It is likely that the technical difficulties with the prototype B-70 - RS-70 cited by the Secretary and well-known to the Congress prompted many advocates of the manned bomber in Congress to abandon the B-70 and accept the option open to them by Secretary McNamara -- to accept the new manned bomber design apparently endorsed by General LeMay. Herein lies an alternative explanation of the Administration's apparent victory over the Congress and the Air Force in the B-70 dispute. While this paper argues that that victory was

largely a consequence of the authority and power vested in the Secretary of Defense via the National Security Act as amended, it is also true that as time went on congressional advocates of the B-70 began to recognize that there were real technical shortcomings of the aircraft. Put another way, the aircraft was a dud, the Congress knew it, and therefore allowed McNamara to begin the process of phasing out the development program.

Undoubtedly, this latter point has merit. However, it fails to be a fully satisfactory explanation of McNamara's success for at least two reasons. First, as the case study has thus far revealed, McNamara and his predecessors were able to curtail severely the B-70 development program long before the technical problems began to surface. Both the pace of the development program and the level of funding were established by the executive and were far below that desired by Congress. This indicates that something other than technical difficulties with the aircraft provided that initial and continuing advantage to the executive. And second, as the rest of the case study will reveal, the Administration continued to be successful in resisting congressional pressure to accelerate the development program for the new manned bomber concept just approved by Secretary McNamara. That

success will provide further evidence that the executive's ability to maintain control of the manned bomber programs was not based on technical problems alone.

The Presidential Campaign and Defense

The Goldwater campaign was gaining momentum. In an effort to head off the prospect of another "missile gap" issue in the upcoming election and in response to Senator Goldwater's continued criticism of the nation's defense program, the Administration published an inventory of American and Soviet nuclear power. The publication was clearly designed to demonstrate increasing American superiority in both bombers and missiles. It cited 540 U.S. intercontinental bombers to 270 for the Soviets, and 750 American ICBM's to 188 for the Soviets.¹² Goldwater's response to the Pentagon publication came the same day as the publication. It emphasized the lack of reliability of missile systems and again urged more attention to manned aircraft.¹³

Goldwater's increased emphasis on the manned bomber may have finally prompted the President to address himself publicly to the issue. On April 16, 1964, two days after the Pentagon publication and Goldwater's response to it, President Johnson, in what was described by The New York

Times as a "surprise" announcement, stated at his news conference that a decision on General LeMay's new manned bomber proposal was pending. Johnson said he told LeMay that when the plan reached the President's office it would receive careful consideration.¹⁴ By modifying McNamara's stand on the new Air Force proposal, Johnson surely hoped to soften the effect of Goldwater's charges. But at an Indiana primary rally three days later, Goldwater made his strongest attack on the Administration's defense policies since the New Hampshire primary. The Senator cited the Pentagon publication figures and characterized them as "misleading" and again argued that the nation's bomber force would soon be obsolete.¹⁵

Clearly, the Administration was trying to avoid another bomber controversy. One tactic employed by the Administration was to attempt to remove the bomber issue from the public eye. For example, the ceremony denoting the first public showing of the B-70 (now redesignated the XB-70, X standing for experimental), on orders from the Pentagon, was officially "low-keyed." The only formal speech was given by Major General Robert G. Ruegg who called the plane "a significant step forward."¹⁶ No Administration officials were present.

However, Goldwater was determined to make defense, and the manned bomber controversy in particular, a major issue in the 1964 election. With the benefit of hindsight, it seems that presidential campaign politics had a much greater impact on President Johnson's decision concerning the manned bomber program than did the prodding of Congress.

In the Senator's first public appearance after the California primary in June, which made him the virtual Republican presidential candidate, he again attacked the Secretary of Defense and the President for not going ahead with the development of a new manned bomber. He stated that unless bombers are developed "we can find ourselves in 1970 with 30 to 50 percent of our nuclear firepower gone."¹⁷ Goldwater hammered away at this thesis throughout the summer. On August 10, in a speech to the National Association of Counties, Goldwater charged that "under our present defense leadership, with its utter disregard for new weapons, our deliverable nuclear capacity may be cut down by 90 percent in the next decade."¹⁸ Arthur Sylvester, Assistant Secretary of Defense for Public Affairs, labeled the allegation by Goldwater as being "without foundation," "contrary to the facts" and "totally false." Sylvester used the opportunity to convey the

Administration's message: "the facts are that in 1970 we will have a capability to deliver on targets two and a half times as many warheads as we had in 1961 and a greater number than we have today."¹⁹

From this point until after the November election, the Administration publicly stated very little concerning the manned bomber program. During September and October, the Office of the Secretary of Defense released some information on the first few test flights of the B-70 (XB-70 A). The first test flight of the B-70 was on September 21, 1964. The press release emphasized the research nature of the craft and expressed the hope that such tests would substantially contribute to aircraft technology generally, and specifically to the development of a 2,000 mile per hour commercial airliner.²⁰

In a speech soon after the first test flight, Secretary McNamara spoke of three Mach 3 aircraft that could be developed into bombers (Aviation Week identified these aircraft as the modified version of the Lockheed A-11 -- which President Johnson dubbed as the SR-71 -- the B-70, and the variable sweep-wing TFX or F-111).²¹ The Secretary released more information on the second, third, and fourth flights of the B-70, all of which took place before the November election. In each case, data was released

indicating the speed and altitude the aircraft had achieved, but little else. In short, it appeared that the Administration was releasing just enough information to make credible its claims to Goldwater and other critics that it was not neglecting the manned bomber development and that it always had the option to produce new bombers if necessary. This strategy worked well during the presidential campaign and, as a way of answering critics, would be employed long after the Johnson-Goldwater contest was completed. In spite of the added dimension of presidential politics in the controversy, the Administration was able to maintain control of the level of funding and pace of development of military weapons.

The Administration's Post-Election Strategy

The Administration wasted no time after the election reconfirming its opposition to a new manned bomber program. On November 10, Secretary McNamara told a Pentagon press conference that his position concerning development of a new manned bomber was unchanged. In answer to a question about the \$52 million Congress appropriated for development work on the new manned bomber, McNamara stated that he believed that the intent of the Congress was to

give the Executive Branch the option "to hold open the possibility of continuing the bomber program indefinitely, and that is exactly what we propose to do." He went on to say that he "did not interpret the appropriation by Congress as a decision by Congress that a new manned bomber be produced." And finally, he reiterated his policy of carrying on research and development that "would permit us to follow any one of three designs for a new bomber."²² These statements constitute McNamara's boldest justification of the impoundment practices.

On January 18, 1965, President Johnson, in a defense message, spelled out again the Administration's position. The President firmly indicated that the Administration was not prepared to proceed with the development of a new manned bomber but he also said that "we are continuing development of engines and other systems for advanced aircraft to retain our option on a new manned bomber should the need arise."²³

On February 16, in anticipation of the congressional response to the Johnson-McNamara position on the manned bomber and to make the Administration's claims of maintaining options to produce a new bomber credible, the fifth test flight of the B-70 was publicized. In the meantime, in what was described as an "unusual exposition

of nuclear war studies," Secretary McNamara estimated that a Soviet missile attack on the United States would kill 120 million Americans. McNamara used these estimates to argue against producing a new manned bomber, suggesting that the bomber would provide insufficient extra protection per billion spent and that the budget then before Congress provided funds for research that were intended to maintain "options" should the strategic situation change or a technological breakthrough occur.²⁴ In comparing missiles and manned bombers, the Secretary insisted that the former were a "less costly" and more efficient way of destroying enemy military targets -- more efficient because enemy missile sites and bomber fields were likely to be empty by the time a bomber arrived over them and less costly because missiles were cheaper per unit of destructive power and required less maintenance than manned aircraft.²⁵

A New Round: Congress Versus the Executive

Despite these efforts by the Administration to avoid another battle with Congress over the manned bomber program, the dispute would not subside. On February 19, Senator John Stennis opened the congressional campaign to promote the manned bomber program with a speech on the

Senate floor. Stennis, Chairman of the Senate Preparedness Subcommittee, charged that the Administration was engaged in a "dangerous and unwarranted gamble with our future national security" by its refusal to authorize the development of a new bomber to replace the aging models currently in use. He went on to explain that the B-47 was being eliminated, that the B-52 had been in service more than 10 years and that the B-58 would be obsolescent in the 1970's. Stennis stated that "all Air Force leaders, including General LeMay, former Chief of Staff, General Powers, former Commander of S.A.C., and General Schriever, Commander of Air Force Systems Command, agreed that the manned bomber is urgently needed to complement our missile systems in their strategic role. He claimed that "it is also the opinion of the JCS that the manned bomber is an essential element in our strategic striking force." Stennis warned that the day would come, "when we will be forced to undertake an expensive, inefficient and extravagant crash program to restore our bomber fleet and the effective fighting force which now maintains and operates it."²⁶ The arguments were familiar and anything but novel. Once again, the controversy of manned bomber versus missiles would be in the headlines. Once again, the Johnson Administration, specifically Secretary of Defense McNamara,

would be forced to defend its weapons development program to hostile congressional committees.

On March 31, 1965, the Senate Armed Services Committee approved a \$15 billion military authorization bill which provided \$82 million to speed the development of a new manned bomber. The Administration had sought only \$15 million to carry on a modest bomber research program.²⁷

To support its assertions that it intended to maintain an option to build a new manned bomber should it prove necessary or desirable, the Secretary of Defense's office kept issuing reports on the test flights of the B-70, usually citing the altitude and speeds attained. By October 14, 1965, the B-70 (XB-70 A) had completed sixteen reported test flights, in the last of which the aircraft attained speeds of more than 2,000 miles per hour and often flew over 70,000 feet.²⁸

In early December 1965, the manned bomber controversy entered a new phase. McNamara began laying the political groundwork on December 3, 1965. In a routine Defense Department news briefing, it was reported that the Pentagon was on the verge of authorizing development of a "speedy new Air Force bomber." The new bomber would be known as the B-111 and would be an enlarged F-111; it would replace about 200 or more of the Strategic Air Command's aging

B-52's starting about 1969. The new B-111 would be capable of 2,000 mile per hour speeds at high altitudes, but would have only half the range of the subsonic B-52 and half the load capacity.²⁹ In short, the new bomber would not be exactly what the Air Force and its congressional allies wanted -- a modified F-111 -- although it did represent a follow-on to the aging bomber fleet.

Then, in rapid succession over the next several days, McNamara unfolded the Administration's long-range plans regarding U.S. military posture, the implications of which were a further reduction in the role of heavy bombers. On December 6, the Secretary announced that 149 military bases -- at home and abroad -- would be closed down. In a related move, the defense chief privately informed key Congressmen that in order to meet changing military requirements, the B-58 strategic bomber would be "phased-out" of service by 1971; the B-58 was the only supersonic bomber in the Air Force arsenal. McNamara informed the Congressmen that retention of the bomber "is not operationally or economically desirable."³⁰ The implications of McNamara's announcements for the B-70 - RS-70 and the newer manned bomber were clear: long-range strategic bombers were not high on the Johnson Administration's weapons priority list. Congressional reaction to the Sec-

retary of Defense's announcements were certainly based on those implications. The decisions were vehemently denounced as moving closer to total reliance on missiles.

On December 8, McNamara took another major step. He announced that nearly two-thirds of the bomber fleet would be retired by 1971; 350 older models of the 600 B-52's would be scrapped as well as all 80 of the B-58's. In an apparent effort to head off some congressional criticism, McNamara disclosed that the pending order to develop a fleet of the B-111 bombers would be approved.³¹ But criticism was even louder than anticipated. Senator Richard B. Russell, Chairman of the Senate Armed Services Committee, issued a strongly worded statement:

I am deeply concerned over this abandonment of the manned bomber concept and adoption of a concept that this country is in no danger from Russian attack by manned bombers. If he McNamara is right, we will save a few dollars. If he is in error, may a benign Providence save these United States.³²

Senator Russell was joined by others in the Congress in sharp denunciation of the Administration's plans. Many critics in both Houses of Congress cited General LeMay's testimony to several congressional committees in which LeMay repeated that he did not consider the B-111 an adequate replacement for, or follow-on bomber to, the

B-52.³³

In short, critics of McNamara's weapons policies in Congress recognized implications of base closings and bomber phase-outs which had never been articulated by the Secretary of Defense -- a fundamental shift toward greater reliance on missile systems and away from long-range strategic manned bombers. Congressional criticism continued. On December 10, McNamara announced that President Johnson had approved plans to build a fleet of B-111 bombers to replace the B-52's and B-58's and that the Administration would seek a \$1.75 billion authorization from Congress for that purpose.³⁴ McNamara would be facing the congressional budget authorization hearings in January and both sides were preparing to fight.

On January 11, 1966, that fight began in earnest. The House Armed Services Committee announced that it planned immediate investigations, including hearings, on the announced bomber cutbacks. It was expected that the Committee would use the inquiry to challenge the Administration's decision to produce the B-111 instead of other designs favored by the Air Force leadership. President Johnson tried to relieve some of the pressure by stating in his budget message that the announced initial procurement of the B-111 was seen as a replacement for "older,

less effective bombers," thereby indicating that the B-111 was only an interim measure.³⁵ But it had already become clear that members of the various congressional committees concerned with the bomber issue were favorably disposed to Air Force requests for a new bomber and that those members would use the B-111 issue as a platform to press McNamara on Air Force demands.

On January 25, Secretary McNamara, in testimony before a House Armed Services Subcommittee chaired by F. Edward Hebert, long-time opponent of Secretary McNamara, argued that missile forces planned by the Pentagon were "far more than adequate" to inflict unacceptable damage to our adversaries. To underscore his point, McNamara stated that,

... without any use of the bomber forces, the strategic missile forces recommended for the fiscal years 1967-71 period would provide substantially more force than is required for an assured destruction capability against both the Soviet Union and Communist China simultaneously.³⁶

In his testimony, McNamara asserted for the first time unequivocally that bombers were "supplementary" weapons and that missiles were the "primary" destructive weapons of modern times.³⁷

The Committee also heard testimony from the Secretary of the Air Force, Harold Brown, and Air Force Chief of

Staff, General John P. McConnell. Both supported McNamara's decision to cutback S.A.C. bombers, but differed sharply in response to questions from the Committee concerning the need for a heavy strategic bomber to replace the B-52. Secretary Brown was vague in answering the question and left the impression that the need for a new strategic bomber had yet to be proven.³⁸ General McConnell was anything but vague. He told the committee that he did not believe that the B-111 would be an adequate replacement for the B-52, and that he preferred a new heavy bomber equivalent to the B-52, the "Advanced Manned Strategic Aircraft" (AMSA).³⁹ (This was the aircraft that grew out of the proposed Air Force study approved by McNamara and included in the fiscal 1964 Air Force budget in return for Air Force cancellation of one of the three B-70 - RS-70 prototypes. The plane was dubbed AMSA and identified as an Air Force objective sometime in 1965.) As the hearings and investigations went on, in both the House and Senate, Air Force witnesses repeated this theme: the B-111 would be an effective interim weapon but by the mid-1970's, a follow-on heavy bomber would be required. The Air Force strategy seemed clear: ensure production of the B-111 but keep pressing for the big bomber to follow.

The Subcommittee's hearings continued through March and the early part of April. Finally, on April 4, 1966, Subcommittee Number Two submitted its report to the House Armed Services Committee. It sharply criticized Defense Secretary McNamara's plan to reduce the strategic bomber force and vigorously assailed the Secretary for his opposition, since 1961, to ordering production of a follow-on strategic manned bomber for the 1970's.⁴⁰ Noting that there existed no other strategic bomber at the time, the Subcommittee endorsed, without enthusiasm, McNamara's request for \$1.75 billion for the production of the B-111, adding the following reservations: the B-111, which was originally designed as a fighter-interceptor (the F-111) and not as a strategic bomber, has so limited a range that it would have to be aerially refueled more than once en route to "70 percent of the targets assigned to S.A.C."; the aircraft is too small to carry electronic missile penetration aids; and finally, the aircraft was not even operational at that time.⁴¹ The Subcommittee also recommended doubling the authorization requested by McNamara for development work on the Advanced Manned Strategic bomber. McNamara requested \$11 million. The Subcommittee supported the Air Force request for \$22.8 million and called upon McNamara to pursue the new bomber with "in-

terest and vigor."⁴²

For purposes of this study, the most interesting aspect of the Subcommittee's report is the panel's criticism of the civilian leadership of the Department of Defense, especially Secretary McNamara. The report cited the Secretary's alleged domination of his senior military advisors and called attention to the "considerable difficulty" the Subcommittee had in "obtaining precise, factual information even in areas where the matter under consideration was susceptible to such."⁴³ The Subcommittee cited the manned bomber controversy as a case in point. The Subcommittee's report implied that Secretary McNamara's power to dominate his senior military advisors, and his unilateral authority to make decisions concerning major weapons systems, including the strategic manned bomber, had its roots in the National Security Act of 1947 and the various amendments to that Act, since it recommended that the Act be amended "to require the 'advice' of Congress before the Executive Branch may eliminate a major weapons system from our arsenal of defense."⁴⁴ The Subcommittee's justification for this recommendation was explicit:

The long-term effect of a decision to wipe out a major weapons system is,

therefore, so far reaching in its implications and its impact on the destiny of this and future generations of Americans that the subcommittee believes that the entire decision-making process in respect to matters of this magnitude must be overhauled.

This committee has a constitutional responsibility to guard against the possibility that through mistaken Executive Branch zeal for economy, our Nation may be inadvertently stripped of its defenses.

In requiring the Executive to seek the "advice" of the Congress, he, the Executive, would be forced to reveal to the Congress in advance, his decision to phase-out a major weapons system and thereby automatically set into motion a Legislative Branch review of the proposed action. Thus, although the Congress would not under such a change be given the power to preclude the Executive from the intended action, it would nonetheless automatically result in the preliminary requirement for a searching congressional evaluation of the proposed action and would, in this fashion, preclude what might otherwise be a somewhat hasty and ill-considered action.⁴⁵

The Subcommittee's report was made public on April 25, 1966.

Secretary McNamara's response to the report was swift and vigorous. In a special news conference called by the Secretary within hours of the release to the public of the Subcommittee's report, McNamara emphatically denied that he had made decisions against the advice of military advisors or that he had shown a lack of candor in testimony

to the Subcommittee. He stated that "the suggestion that major decisions on the manned bomber program were made against the advice of the Joint Chiefs of Staff is without any foundation whatsoever," and charged the Subcommittee with "shocking distortion."⁴⁶ McNamara also used the opportunity to suggest that the \$11 million included in the military budget before Congress for the follow-on Advanced Manned Strategic bomber (AMSA) was adequate to keep the option open for production, if necessary (General McConnell had asked the Congress for \$23 million after that request was turned down by McNamara).

In response, Chairman Hebert accused McNamara of seeing fit to "impugn the integrity" of the Subcommittee and challenged the Secretary "to resolve this issue by releasing to the American public the present position of the Joint Chiefs of Staff on the need for a follow-on bomber," other than the B-111.⁴⁷ Representative Hebert kept up the pressure on the Administration and particularly on Secretary McNamara. On May 12, in a speech on the floor of the House, Hebert accused McNamara of continuing to conceal the true views of the JCS on the need for a manned bomber program. Hebert cited testimony by General McConnell, Air Force Chief of Staff, to the House Subcommittee on April 5 that the Joint Chiefs "support

full-scale development of the bomber project."⁴⁸

Meanwhile, on May 4, the entire House Armed Services Committee, chaired by R. Mendel Rivers, adopted the Subcommittee's recommendation to increase by \$11.8 million the authorization for development of the Advanced Manned Strategic Aircraft and included in the bill restrictive language to insure that the \$22.8 million authorized could be used "only for research and development related to the Advanced Manned Strategic Aircraft"⁴⁹ More importantly, the full Committee wrote into the bill an amendment to the National Security Act, as recommended by Hebert's Subcommittee, to prohibit the Secretary of Defense from making decisions on major weapons systems without first informing the Congress:

... the Secretary of Defense shall not direct or approve a plan to initiate or effect a substantial reduction or elimination of a major weapons system until the Secretary of Defense has reported all the pertinent details of the proposed action to the Congress of the United States while the Congress is in session. The Congress shall within ninety days thereafter advise the Secretary of Defense through the Committee on Armed Services of the Senate and House of Representatives respectively, of the recommendations of these Committees on the proposed action.⁵⁰

The comments on this provision by the Committee in its

report to the House make clear that the goal of the legislation was to:

... reaffirm, not in a perfunctory way but in a very militant way, those principles and provisions of our great Constitution which places upon the Congress of the United States the responsibility of providing for the common defense and the armed services of this Nation.⁵¹

While the provision would certainly not meet the goal, it was an indication of a recognition of a decline of congressional power vis-a-vis the Secretary of Defense with regard to weapons development; and more importantly, a recognition that legislation can effect changes in the decision-making process.

It is interesting that the House Committee chose not to limit the Secretary's power but rather to put a check on it. This approach may well have been adopted because the Committee could not count on the support of Congress if they tried to limit the Secretary's power. Subsequent events tend to support this theory.

Secretary McNamara tried to maintain the offensive. In a news conference at the Pentagon, two and a half hours after Hebert's May 12 remarks on the floor of the House, McNamara indicated that he had the full backing of President Johnson on the bomber issue.⁵² Invoking the Pres-

ident's support was in vain. The House passed the bill on June 14, 1966, which included: \$22.8 million for development of the Advanced Manned Strategic Aircraft; language restricting the use of those funds specifically to the AMSA program; and an amendment to the National Security Act requiring the Secretary of Defense to "report" a proposed weapons system reduction or elimination.⁵³ In conference, the Senate agreed with the House on the \$22.8 million authorized for the new bomber and with the language restricting the use of that money exclusively for the bomber.⁵⁴ While the "... conferees were unanimously in accord with the objectives of the language" to amend the National Security Act, "... the Senate conferees were of the opinion that the proposed statutory requirement that the respective Committees on Armed Services ... advise the Secretary of Defense of their recommendations on proposed departmental action was unnecessary."⁵⁵ The provision to amend the National Security Act was agreed to by the Conference Committee after the House conferees agreed to delete the language requiring the Armed Services Committees to advise the Secretary of their approval or disapproval within ninety days. The Conference report, which contained no explanation of the conferees' action with regard to this provision, was approved by both Houses

of Congress and sent to the President. Johnson signed the measure on July 13, 1966, without comment.⁵⁶

As already suggested, the amendment failed to reassert congressional influence vis-a-vis the executive in critical decisions concerning military posture or weapons development. It failed because it did not actually limit the Secretary's authority or even impose a real congressional review on his decisions. However, the amendment certainly indicated a recognition of the severely restricted influence exerted by the Armed Services Committees and Congress on military decisions. More importantly for purposes of this study, the amendment can be seen as congressional recognition that legal authority or legal obligations do impact on the decision-making process.

On June 8, an RS-70 and an F-104 chase plane collided in mid-air; two pilots were killed and a third seriously injured. The collision involved the total loss of both aircraft.⁵⁷ Nonetheless, the controversy over the new strategic bomber continued through the summer. The Administration made no move to spend the extra money finally appropriated for AMSA by Congress. (The appropriation of \$11.8 million in additional funds for the AMSA project was agreed upon in Conference Committee.)⁵⁸

In late September, Secretary McNamara called a news conference at the Pentagon and announced that as a result of continued U.S. involvement in the Vietnam conflict, the Administration was increasing by about 30 percent the planned production of fighters and fighter-bomber aircraft, costing about \$700 million. Almost as if to vindicate himself in the eyes of the Congress, McNamara said:

I told Congress repeatedly, that if the conflict In Vietnam continued beyond that date (June 30, 1967) we would have to adjust certain programs accordingly. Because of the long lead times involved in aircraft production, I have come to the conclusion that it is wise now to place on order aircraft that may be required to support operations beyond June 30, 1967.⁵⁹

McNamara's announcement signalled a change in the Administration's defense policy regarding aircraft. Another was to come in early November.

On November 7, at a routine Pentagon press conference, the press officer let it be known that Secretary McNamara had just received a new Air Force proposal for a strategic bomber that would have approximately five times the nuclear payload and twice the range of the only strategic bomber being produced, the B-111. In letting this information out, Pentagon officials implied that the Secretary was favorably disposed toward the new proposal and would

probably include from \$30 to \$40 million for the project in the defense budget to go to Congress in January 1967. It was also made clear that if the Secretary decided to give his approval, he would be approving only a thorough engineering study of the new concept without any commitment to go to full-scale development or production of the aircraft.⁶⁰

The Johnson budget released on January 27, 1967, reflected this change of attitude toward the follow-on heavy strategic bomber; it called for an advanced bomber and asked for a \$40 million appropriation for accelerated research and development.⁶¹ The fact that the budget earmarked \$40 million for the bomber program is not in itself sufficient evidence to support a claim that the Administration was changing its attitude about the bomber program, especially when considering that nothing more than "continued study" was being funded. The proposed appropriation, however, was supported with a strong statement by the President in his budget message. President Johnson called for a "vigorous research and development program"⁶² Such positive Administration support for the bomber program was a significant departure from past budget messages, which, as the case study has revealed,

have had little or no positive statements on the bomber issue.

In short, the November 7 Pentagon press conference, the budget, and the President's budget message may be seen as the first signs of a changing attitude of the Administration's -- and indeed the two previous Administration's -- long-standing opposition to the development of a follow-on bomber, opposition first to the B-70 - RS-70, and then to the Advanced Manned Strategic Aircraft. It also appeared to end the long-standing controversy between the executive and legislative branches over the strategic manned bomber versus missile controversy. Yet, it would be a mistake to conclude that the Congress was victorious. While the Congress had put great pressure on the Eisenhower, Kennedy and Johnson Administrations to proceed with rapid development of a new strategic manned bomber, all three Administrations resisted those pressures and advanced their own weapons development policies and priorities. The B-70 - RS-70 was phased out by the Secretary of Defense in spite of strong congressional opposition; the B-111 was introduced and moved to production in the face of congressional criticism of the aircraft; and the AMSA project proceeded at the pace established by Secretary McNamara to the frustration and chagrin of AMSA's

congressional supporters. In short, if the history of the manned bomber controversy is any guide to explaining the Administration's position on the bomber program, it would not appear that congressional pressure by itself was sufficient to cause Johnson and McNamara to accelerate development of a new strategic bomber. The question of the degree of impact the Congress had on the Administration's apparent change of attitude on the bomber program will be addressed again in the concluding segment of this chapter.

If it is assumed for the moment that congressional impact on the Administration's decision to accelerate development of the new strategic bomber was indeed minimal, exactly why Johnson and McNamara made that decision is difficult to assess. In part, it may be linked to heavy aircraft losses in Southeast Asia and, more importantly, to the recognition that the heavy bomber had military utility in limited wars such as Indochina. Johnson seemed to indicate this in his "Annual Budget Message to the Congress, fiscal year 1968":

Today our military requirements are dictated by two fundamental realities. We must continue to counter aggression in South Vietnam. We must also continue to enhance our ability to meet changing

threats to our freedom and security elsewhere. The 1968 budget will insure that our forces remain equal to both these tasks.⁶³

In any event, the Congress happily approved the requested budget authority for the accelerated development of a new strategic bomber, and 1967 yielded no controversy on the subject.

In January of 1968, Clark Clifford, Johnson's new Secretary of Defense, appeared before a Senate Committee seeking confirmation. Clifford, under questioning for almost three hours, repeatedly drew himself apart from the McNamara policies. In response to questions concerning the development program for a new bomber, Clifford responded to the Committee's satisfaction: he said that he "intuitively" supported the follow-on bomber.⁶⁴ And again, the Johnson budget of January 1968 provided substantial funds for continued development of the new bomber.⁶⁵ It appeared as if the Congress and the executive had at last reached an accord. However, there would soon be a new Administration and a new controversy over the follow-on bomber.

The Nixon Setting

While the bomber controversy was not a central or

crucial issue in the 1968 presidential race between Hubert Humphrey and Richard Nixon, the latter indicated more than once during the campaign that he favored the development and deployment of a new long-range bomber for the Air Force to replace the B-52. Candidate Nixon was critical of the Democratic Administrations for allowing -- what he called -- a "security gap" to develop.

In testimony before the Senate Armed Services Committee, President-Elect Nixon's nominee for Secretary of Defense, Melvin R. Laird, pleased the Committee by indicating that the Pentagon would "move forward" on development of a new supersonic bomber for the Air Force.⁶⁶ The day after Laird's appearance, the last Johnson budget was released. It included more than \$75 million for development of the new bomber.⁶⁷

A few days after President Nixon was inaugurated, the one remaining B-70 - RS-70 made its last flight from Edwards Air Force Base in California to the Air Force Museum at Wright-Patterson Air Force Base in Ohio. The aircraft, which was the remaining product of a program which cost \$1.5 billion, was quietly retired.⁶⁸

New Movement in Congress

The new Administration's commitment to a new bomber

plus the Johnson appropriations request initiated a new kind of battle with the Congress. In the three Administrations previous to Nixon's, it was the congressional advocates of a new bomber that were very vocal. Now it was the opponents' move.

In early June of 1969, Senator William Proxmire began assaults on the Pentagon. Secretary Laird had asked the Congress for an additional \$23 million -- bringing the bomber request to \$100 million -- for development of the advanced manned aircraft. Proxmire asked the Secretary if this money signalled a commitment to build and deploy the plane. John S. Foster, Jr., the Defense Department's research chief, responded to Proxmire: "I would hasten to point out that our proposal to start development of AMSA in no way implies a decision now to produce or deploy the system."⁶⁹ Proxmire estimated that a proposed fleet of the new bombers would cost around \$12 billion and not the \$9 billion the Pentagon projected. The Senator ended with a cautioning note: "I will seek additional guarantees from the Pentagon that the Air Force will not move into production until Congress has specifically agreed to that action."⁷⁰ Proxmire's move was the first in a series of maneuvers undertaken by lawmakers who had a common goal:

to reduce military spending. A major target was the Advanced Manned Strategic Aircraft, the Air Force's proposed heavy bomber.

On July 9, 1969, an unofficial bipartisan Senate-House group known as the "Military Spending Committee" made public a report attacking the high level of military spending. Senator Mark Hatfield was named as Chairman of the Committee. A major recommendation in the report, which sought to reduce military spending by \$1.5 billion for fiscal year 1970, was to slash the \$100 million request for the bomber to \$20 million, thereby putting the bomber back in the planning state.⁷¹ In consideration of that goal, Senator George McGovern opened debate on the floor of the Senate in September, introducing an amendment which would reduce funds to \$20 million for the bomber program.⁷² In arguing against the amendment, Senator John Stennis, Chairman of the Senate Armed Services Committee (the Committee which had already approved the Administration's request), claimed that Proxmire's \$12 billion price tag on the new bomber was probably erroneous; the fleet would cost closer to \$15 billion!⁷³ After long debate, the Senate overwhelmingly rejected McGovern's amendment and thereby accepted the Nixon Administration's proposal to move into full-scale engi-

neering development of the Advanced Manned Strategic Aircraft.⁷⁴

The Air Force, in contrast to its behavior during the past three Administrations, maintained a low profile throughout these debates. In October, in a brief ceremony accepting the first FB-111 off the production line to add to the S.A.C. fleet, the Air Force officials made clear that while they were pleased with the new aircraft, they still viewed it as an "interim" bomber with an eye on the development of a heavy bomber. Apparently, the Air Force felt so confident in the prospects of soon having a new bomber that it accepted Secretary Laird's cuts in production plans for the B-111 (from a fleet of 263 to a modest 76 planes) to free funds to start building the Advanced Manned Strategic Aircraft.⁷⁵

The Air Force's confidence in the Administration was not misplaced. On November 3, 1969, the Pentagon announced a call for bids to design and produce five prototypes of a new long-range bomber, now dubbed the B-1. Certainly this announcement would be viewed by military spending critics as another step toward commitment to build a fleet of new bombers. With this in mind, the Pentagon stressed that such contracts "would not commit the Government to production of operational aircraft." At the same time,

it was pointed out that in the event of a decision to deploy the aircraft the total cost would be only \$8-9 billion.⁷⁶ On November 7, the Air Force named Brigadier General Guy M. Townsend Systems Program Director for development of the B-1 bomber.

Perhaps in anticipation of congressional military spending critics and the release of the Administration's budget proposal, Secretary of Defense Laird held an impromptu news conference on January 7, 1970. Laird asserted that the Soviet Union, if it continued its strategic weapons buildup at its current pace, would soon be in a position to destroy most of the America's Minuteman missiles even earlier than 1974, a date he forecast to Congress a year before. He went on to say that if the Soviet buildup was not curbed, the United States would seriously consider constructing an advanced Polaris type of submarine and a new strategic bomber. Laird then hinted that the new budget, to go before Congress shortly, would include "high priority" funds for the B-1 bomber.⁷⁷

Laird's anticipation was correct. Critics in both chambers of the Congress zeroed in on the B-1 appropriations, reiterating the McNamara arguments against bombers. There were several efforts to delete entirely from the

military appropriations bill the \$100.2 million for the B-1 requested by the Administration. All of these efforts failed.⁷⁸

By June 5, 1970, the Air Force announced the awarding of contracts to build seven B-1 prototypes at an estimated cost of \$1.8 billion. North American Rockwell Corporation of California would build the airframes, the General Electric Company of Evandale, Ohio, received the engine contract.⁷⁹ These same companies were recipients of the B-70 contracts some years earlier. The Air Force was careful to state again that these contracts did not commit the nation to actual full-scale production and deployment of the aircraft. The first prototype was expected to be ready for test flights in late 1974.

The Nixon and Ford Administrations continued to fund the project, at an estimated cost of \$13-15 billion, to produce and deploy a fleet of the new strategic bombers. During this period, congressional proponents far outnumbered congressional critics as evidenced by the repeated unsuccessful attempts by opponents of the B-1 to delete funds for its production.

Returning to the question of the degree of congressional impact on the decision to proceed with a strategic manned bomber program, one might argue that the decision

made late in the Johnson Administration to fund the follow-on manned bomber at an accelerated development pace and the Nixon Administration's decision to procure the B-1 manned bomber demonstrate congressional strength and impact on weapons development decisions rather than congressional weakness and abdication as has been argued here. Advocates of the former view might claim that the decision to procure the B-1 represented -- in the final analysis -- a congressional victory over the executive. From that perspective, the executive might be viewed as having been "forced" by the Congress to include the B-1 in the American strategic arsenal.

Such a conclusion is not in accord with the facts. Let me review briefly some of the major decisions in the history of the manned bomber controversy as revealed by this case study. 1) The case study clearly illustrates a continuously frustrated Congress, where pro-bomber partisans constantly pressed the President and Secretary of Defense to accelerate development of a follow-on manned bomber to replace the B-52 and preserve a manned bomber mission for the Air Force. 2) This pressure yielded little results. The Secretary of Defense ordered B-52 production halted in spite of congressional opposition. The Defense Department phased out both the B-58 and B-47

manned bombers, opted to procure a fleet of B-111's, killed the B-70 development program and only marginally funded the Advanced Manned Strategic Aircraft. All of these decisions were strongly contested and/or generally opposed by Congress.

Johnson's decision to include funds for an accelerated AMSA development program in his last two budgets and his strong statements of support for the accelerated AMSA program in his messages accompanying his budgets marked a reversal of the Executive Branch's long-standing opposition to the bomber program. I can provide no satisfactory explanation of this reversal. It may have been due to advances in aircraft technology, a change in the U.S. - Soviet and/or U.S. - Chinese strategic balance, or the simple recognition -- resulting from the American experience in the war in Vietnam -- that the manned bomber had a role in the American strategic arsenal. All of these possibilities are conjectural. I can find little evidence to support any one explanation over another. Similarly, there is no evidence to support the view that Congress was a factor in the Johnson Administration's decision to fund an accelerated AMSA program. Rather, the case study would suggest that Congress could not force the executive to proceed with a program to which the latter was opposed.

Likewise, there is no evidence to warrant the conclusion that Congress compelled or significantly influenced the Nixon Administration to develop and procure the B-1. Indeed, President-Elect Nixon and his nominee for Secretary of Defense Melvin Laird, appeared to be favorably disposed to a follow-on manned bomber before assuming office and therefore before being subjected to congressional pressure for a follow-on manned bomber program. Additionally, although only with the benefit of hindsight, it may be argued that Nixon's relationship with Congress makes it doubtful that Congress could have imposed its will on his Administration. Given the favorable predisposition of the Nixon Administration toward a follow-on manned bomber program, and the lack of congressional success in forcing previous administrations to accept a full-scale program, one would suspect that the decision to proceed with the B-1 program was made within the Executive Branch without congressional consultation.

Discussions with several high-ranking Nixon Administration officials in the National Security Council, the Department of Defense, and the Office of Management and Budget confirmed this suspicion.* While several explana-

* In April, 1974 I had three conversations with of- con't

tions of why the Administration decided to move ahead on the B-1, explanations that ranged from the need for the United States to develop a "real bargaining weapon" for the Strategic Arms Limitation Talks to the necessity for modernizing the U.S. strategic bomber fleet, all officials stated that the decision was made independently of the Congress. Put another way, the decision to proceed with the B-1 appears to have been made without regard to congressional opinion.

A former staff member of the House Committee on Armed Services provided further support for this conclusion.* He confided that the "Committee was gratified when it learned that the Administration had included a request amounting to a major commitment for a follow-on bomber program." This former staffer made clear that to his knowledge the Committee had little if any communication with the Administration on the bomber issue prior to submission of the budget request. In short, it appeared that the

officials in the Administration of Richard Nixon on the subject of the B-1 bomber. In each case it was agreed that I would not identify or directly quote the individual.

* A telephone conversation held in April, 1974. The former staff member wished to remain anonymous.

B-1 would be introduced to the American strategic arsenal as a follow-on to the aging B-52, not as a consequence of a strong and influential Congress, however, but rather as a result of decisions by Presidents Nixon and Ford. Executive decisions would continue to dominate the issue.

In spite of the enthusiastic support by members of Congress for the Nixon and Ford decisions to develop and produce the B-1 bomber, the Carter Administration ultimately reversed them, and cancelled the B-1 program. It is not necessary to detail Carter's justification and rationale for halting the program, it is only necessary to note that a majority of the members of Congress favored the B-1 production program.

While I have no doubt that the B-1 controversy will continue, the fact that Carter could make the decision to cancel the program makes the argument that the B-1 was a decision forced on the executive by Congress even less plausible. Rather, the Carter decision supports my proposition that congressional influence has been reduced compared to the influence and power of the executive on critical decisions concerning military weapons development and procurement policies.

The rather lengthy and detailed history of the controversy surrounding the development of a follow-on

strategic manned bomber has been developed as a limited test of the propositions advanced in this study. The final chapter will analyze the bomber debate and the interaction and behavior of the participants and offer some findings and conclusions.

CHAPTER EIGHT

ANALYSIS AND CONCLUSIONS

A Recapitulation

The stimulus for this study was the frequently stated and well documented proposition that there is a congressional-executive imbalance of power in providing for the common defense, that is, that the Congress has lost much of its power in defense matters to the executive. As was suggested at the beginning of this study, the allegation of a congressional decline of power to "provide for the common defense" is not meant to suggest that Congress does not in fact authorize and appropriate funds for that purpose according to the letter of the Constitution, but rather it charges that Congress has suffered a relative decline in its ability to influence critical decisions in that process.

While generally sympathetic to the congressional decline thesis, this paper has refined and narrowed the charge to reflect the specific concern of this study, namely, that Congress has suffered a decline of power vis-a-vis the executive in critical decisions concerning mili-

tary weapons development beginning in 1947. The stated intention of this study was to examine what I contend to be a major factor in explaining how and why the Congress has suffered a decline in authority, power, and influence in critical decisions concerning military weapons development.

Several major schools of thought seeking to explain in a more general sense the congressional decline have been reviewed and rejected as inadequate for purposes of this study. While it is conceded that some or all of those explanations may have contained necessary conditions, singularly or collectively, they lacked a sufficient explanation or cause. This paper has argued that the Congress, whether knowingly or not, abdicated its constitutionally imposed responsibility for providing for the common defense -- specifically, its power to establish weapons development and procurement policies to arm the military forces -- through legislation beginning with the National Security Act of 1947 and continuing through three major revisions of the Act: the amendments of 1949, 1953, and 1958. I have also argued that at the same time and by the same mechanism (the National Security Act) Congress preserved and maintained for itself an historical function of spokesman for the armed services, especially when a

service preference concerning a major weapon has not been adopted by the Defense Department. In other words, I have advanced the proposition that the creation of the Department of Defense by Congress via the National Security Act of 1947 and the amendments to that legislation in which Congress granted more and more legal authority and power to the President and Secretary of Defense, is a major factor in explaining both the congressional decline of influence on decisions concerning weapons development and procurement policies and in defining the congressional function as spokesman for the military services.

Through analysis of the historical record of events that led to the eventual passage of the 1947 National Security Act, evidence was presented to suggest that the legislation was enacted in a form that was acceptable to President Truman, the military services and their respective supporters in Congress, but not necessarily in a form that would achieve the goals of the legislation. The major issues on which compromise was necessary if legislation to "unify" the military services was to be enacted were: 1) the long-standing efforts to attain economy and efficiency in government spending; 2) the movement for an autonomous Air Force; and 3) the quest for better coordination between and among the military services. The

evidence presented in chapters two and three of this study shows that the compromises necessary to achieve the final legislation -- the National Security Act of 1947 -- prevented attainment of the central objectives of that legislation; i.e., unification and centralized coordination of the Defense Establishment. Thus revisions of the Act were necessary. The original Act underwent major amendments three times -- in 1949, 1953 and most extensively in 1958. In each of the revisions the Congress granted the Secretary of Defense greater power and authority over the military services and over all aspects of their operations, gradually sanctioning by law the Secretary's centralized control in the Department of Defense. While the Congress vastly increased the power and authority of the Secretary of Defense -- including, in the 1958 amendments, the legal authority to make decisions concerning the development of major weapons systems (an area in which the separate armed services had been dominant traditionally) -- it still protected the right of the military service chiefs to bring grievances directly to Congress.

Having conceded that a single case study could not possibly constitute unimpeachable proof of the hypotheses of this paper, nevertheless a study of the manned bomber controversy in general and the B-70 in particular provided

a longitudinal context in which evidence could be presented to document the position advanced that the lack of congressional influence in weapons development vis-a-vis the President and Secretary of Defense was related to the authority and power vested in the Secretary via the National Security Act as amended. The B-70 case study also provided the context in which to examine the proposition that the Congress was left to play the role of spokesman for the Air Force in attempting to convince the President and Secretary of Defense to accelerate development and production of a strategic manned bomber as a follow-on to the aging B-52 fleet, and that relegation to this rather weak position had its roots in the National Security Act.

Specifically, Part II of this study was undertaken in an attempt to develop evidence to support the thesis that the National Security Act as amended was a significant power resource, among several, for the executive in its dispute with Congress over a follow-on manned bomber. Additionally, the legislation enabled the executive to maintain control and exercise discretion over the manned bomber programs in spite of congressional displeasure and opposition to the executive policies.

This chapter undertakes an analysis of the inter-

active patterns and general behavior of the governmental participants in the B-70 controversy. While the analysis draws on the models and propositions advanced by Allison, Huntington, Kurth, Lowi and Rosenau, which were introduced in chapter one of this study, it does not rely on any one of these authors. I will suggest, however, how the actual behavior of the participants was different from what would have been anticipated by those models and propositions and try to account for the disparities.

A General Approach to Decision-Making

The task of analyzing the B-70 controversy (and shedding some light on the more general question of congressional versus executive power vis-a-vis weapons decisions) would be facilitated greatly by developing a more comprehensive approach to government decision-making than the models suggest individually. Borrowing liberally from the authors represented above -- and at least one additional decision-making theorist -- I will develop a more comprehensive approach as well as a number of behavioral propositions which will be used to analyze the controversy surrounding the B-70 and suggest more general patterns of congressional-executive interactions in major weapons systems decisions. Additionally, a more comprehensive

approach would allow me to point out the deficiencies in the individual models and propositions which I advanced in the first chapter of this study.

How are decisions made by government? This question is the central concern of each of the theorists I have examined. Perhaps another way to express this central concern is: how does the political system resolve or more accurately manage conflict? In developing their models and propositions to address this basic question each of the authors is concerned with a host of subsidiary questions. 1) Who are the participants? 2) What stakes do the participants have in a policy outcome? 3) How are the participants arranged or structured in the decision-making environment? and 4) How is an issue to be resolved processed through the political sub-system? These questions provide a useful guide to developing an integrated and comprehensive approach to governmental decision-making. After a discussion of each of these questions, I will develop a general theoretical approach to decision-making and will then apply it to the B-70 controversy.

In reviewing the work of decision-making theorists including those used in this study, which I believe are fairly representative of the major schools currently in the forefront of the literature, the same questions appear in

a variety of forms. The first question is, who are the participants in a conflict, or who is involved in the policy-making arena? It is recognized that not all governmental actors participate in every decision government makes. Nor are all actors governmental.

A second dimension is concerned with the motives and values the participants hold in entering the decision-making arena. This concern translates into the question: What stake does a participant have in a policy outcome? Several theorists argue that knowing the degree of interest of the actors in a decision will provide important clues and insight about the probable behavior of a participant in that conflict.

A third question addresses the organization of the participants in relation to one another in the policy-making arena; i.e., it poses the question, how are the participants arranged or structured in the decision-making environment? There appears to be at least an implicit argument in the literature which suggests that structure defines the parameters of acceptable or allowable behavior of the individual participants and is based on such things as formal responsibility, authority and hierarchy of control. Clearly, by knowing what actions a participant can and cannot take, the probability of explaining and even

predicting behavior becomes greater.

A final question considered by most decision-making theorists is closely related to the structure of the political sub-system. How is an issue to be resolved by the political sub-system processed through the system? If structure defines the parameters of acceptable or allowable behavior of each of the participants, process defines the interactive behavioral patterns between and among the participants within the structure. Perhaps another way of looking at process is by asking the question: how do actors influence one another to effect an outcome? As suggested above, to some extent these patterns of interaction are dictated by the structure of the political sub-system.

I have identified four major variables which seem to be considered by decision-making theorists: participants, stakes, structure, and process. It must be emphasized that these variables are used to explain and even predict policy outcomes. Different theorists give each variable different significance in accounting for decisions. It is clear that these variables could be combined in a number of ways, each affecting policy outcomes differently. In other words, a change in one variable will impact on other variables ultimately affecting the outcome. For

example, by changing the mix of players the structure of the decision-making environment may change, which in turn would alter the process, ultimately affecting the policy outcome. I will consider each of these variables in the context of the theorists discussed previously in an attempt to construct a comprehensive approach to explaining policy-outcomes.

Participants

To address the first question (who are the participants or actors in a conflict?) the issue area concept as articulated by James N. Rosenau, but widely supported -- implicitly or explicitly -- by others, is a very useful first step. Rosenau essentially argued that a specific issue to be resolved will elicit responses from interested actors in the political system.¹ It also defines the political sub-system which is composed of relevant actors from the political system. For example, the issue "strategic bomber" immediately excludes the vast majority of governmental actors and helps to establish a probable list of major participants. Underlying Rosenau's issue-area concept is the observation that government is composed of organizations and individuals with specified, but in many cases overlapping, responsibilities and concerns.

When an issue is thrown into the policy-making arena, governmental actors in all areas of the government will decide if the issue impacts on their domains. If it does, such actors will seek to influence the policy outcome. It should be clear, however, that "seeking to influence" the policy outcome is not necessarily synonymous with escalating the conflict. An actor who perceives a favorable outcome may well maintain a low profile on an issue in an attempt to restrict the entry of new participants.

A proposition advanced by Theodore Lowi adds another dimension to Rosenau's observations. Lowi suggests that a protracted conflict will involve more and more actors who perceive a stake in the outcome of a conflict. Additionally, he argues that the outcome of a protracted conflict becomes increasingly uncertain.² This proposition reminds the researcher that issues are not static and that as issues evolve new actors can enter (or depart) the decision-making arena. Clearly both Rosenau and Lowi take the position that who participates in a decision is important in explaining the outcome of that decision. Lowi's proposition, that a protracted conflict will increase both the number of participants and the uncertainty of the outcome can be divided into two separate and more explicit behavior propositions. First, players in a

conflict who perceive that the outcome will be unfavorable will attempt to recruit additional players with goals or stakes in the outcome which are similar to their own. And second, that actors who perceive an "unfavorable outcome" to an issue will attempt to prolong the issue.

Stakes

These propositions bring me to the second significant question mentioned earlier: what stake does a participant have (or perceived to have) in an issue? Just as it is clear that not every governmental actor is interested in every decision the government must make, it is equally clear that of those actors involved in a particular issue, the stakes and goals and therefore their motivation to achieve a favorable resolution to an issue varies.

Graham Allison provides some useful insight to this question. Allison, it is recalled, in his Organizational Process Model characterizes government as "a conglomerate of semi-feudal loosely allied organizations ..." ³ each with routines and standard operating procedures. These standard operating procedures mitigate against radical changes in an organization's perceived mission and consequently its views on issues remain relatively stable. Each of these organizations views a particular issue in a

way which is unique to itself. This unique and relatively stable view on issues, which results from what Allison labels "organizational parochialism," is reinforced by such things as selective information to the organization, recruitment of personnel into the organization, and the tenure of individuals in the organization.⁴ In short, Allison is arguing that because of the parochialism which organizations exhibit and the resulting resistance to change, it is possible to determine -- and even predict -- the degree of interest an organizational actor will have in a particular issue. This in itself is an important clue to a participant's probable behavior in a conflict.*

In his Bureaucratic Politics Model, Allison argues that the players in a conflict are not organizations but rather individuals occupying key jobs in the government and presiding over these organizations. In my judgement the designation of an individual as the participant in a conflict rather than an organization is a false dis-

* I will continue to reference Allison's 1969 APSR article although in 1971 he published a much more exhaustive study. Nonetheless, his models and propositions in the longer work remained essentially unchanged. See: Graham T. Allison. Essence of Decision: Explaining the Cuban Missile Crisis (Boston: Little, Brown & Co., 1971).

inction. Allison concedes that the stance an individual player assumes toward an issue is in large measure a function of the mission and goals of the organization he heads.

Allison says:

the factors which encourage organizational parochialism also influence the players who occupy positions on top of (or within) these organizations. To motivate members of his organization, a player must be sensitive to the organization's orientation.⁵

In other words, to explain or predict the behavior of an individual player it is necessary to know what stake that player has in the outcome of the issue, and that is at least partially a function of the goals and missions of the organization the player represents.

Morton Halperin's work on "Organizational Interests"⁶ enhances Allison's arguments but goes further by developing some behavioral propositions based on a determination of the degree of interest an organization has in an issue. Halperin asserts that "most organizations have a mission to perform" and that "all organizations seek influence."⁷ He states that "participants in a policy decision examine any proposal to gauge whether or not it would help their particular organization carry out its missions."⁸

Halperin's clearest statement in support of the argument

that a participant's behavior, with regard to a particular issue, is related closely to that participant's perception of the issue and its affect upon his organization is found in his discussion of organizational essence:

Organizations have considerable freedom in defining their missions and the capabilities they need to pursue these missions. The organization's "essence" is the view held by the dominant group in the organization of what the missions and capabilities should be. Related to this are convictions about what kinds of people with what expertise, experience, and knowledge should be members of the organization.

Career officials generally have a clear notion of what the essence of their organization is or should be. In some organizations the same view of the essence is shared by all those in the same promotion and career structure.⁹

From these observations Halperin offers the following propositions:

... an organization struggles hardest for the capabilities which it views as necessary to the essence of the organization; and an organization favors policies and strategies which its members believe will make the organization as they define it more important.¹⁰

Additionally, Halperin says that:

an organization resists efforts to take away from it those functions viewed as part of the essence. It will seek to protect these functions by taking on additional functions if it believes

that foregoing these added functions may ultimately jeopardize its sole control over the essence of its activities.¹¹

To this point, I have discussed two -- participants and stakes -- of the four major variables considered by decision-making theorists, and I have identified a number of propositions associated with those variables. I will now turn to the two remaining variables -- structure and process -- and articulate additional propositions. All of these propositions will then be applied to and tested by the B-70 controversy.

Structure

While the structure variable is included in almost every major work on decision-making theory, it is usually implied and not discussed explicitly. Theorists differ widely on its application and significance in explaining policy outcomes. I have stated that structure defines the parameters of acceptable or allowable behavior of the participants in the decision-making environment.

Theodore Lowi suggests that there are at least three modern schools of thought on the structure of American politics.¹² According to Lowi, the first school of thought characterizes the political system as highly centralized, with stable power relationships; conflict

is managed by regular, hierarchical means. In the second school the system is centralized but with no hierarchical structure; it is multi-centered. And finally, the third perspective characterizes the system as decentralized with no hierarchy of control. Lowi suggests that all three structures exist in the American political system. Which structure is operative is a function of the kind of issue the political system is considering. Lowi says that when the issue is "redistributive" in nature the system is centralized and hierarchical; when the issue is "distributive" the system is decentralized; and when the issue is "regulatory" the political system is centralized but not hierarchical.¹³ In short, Lowi argues that several political structures exist in the American political system independently of any issue to be resolved and that the kind of issue the system is considering determines which structure the system assumes.

I have two significant reservations about Lowi's approach especially as it might pertain to weapons development conflicts. First, it is difficult to identify clearly what type of issue in Lowi's scheme can be applied. Even if a researcher did select an issue type as the basis for analysis, there is no guarantee that the partic-

ipants in the conflict perceived the issue in the same way. Consequently, explaining or predicting behavior on the basis of issue type and associated structure would be difficult. Second, and more importantly, while I agree with Lowi that the structure of the political system changes with issues to be considered, I disagree that the structural change is a function of the issues themselves, but rather a function of the mix of players brought into the decision-making arena by a particular issue. As I suggested previously, a governmental actor becomes a participant if an issue impacts on the actor's organizational essence. The mix of players in the arena constitutes the political sub-system. Each player has responsibility, authority, obligations and a place in the political system made legitimate by the Constitution, statutes, regulations and even custom. What changes with a particular issue is not a player's responsibility, authority or obligations -- these are fixed by law and cannot change with every issue -- but rather a player's position in the hierarchy of the political sub-system which develops to deal with a particular issue.

In summary, I am arguing that the structure of the political system -- or even a sub-system called into play

by a particular issue -- exists independently of any issue. Furthermore, the system is hierarchical. There are players with more responsibility and authority in a given area than other players. The hierarchy of the political sub-system is known, along with the responsibility and authority of each participant, by all the participants in the decision-making arena. The process of decision-making may not always reflect this known hierarchy for any one of a number of reasons. For example, the participant with clear-cut statutory responsibility and authority over a particular issue may have little at stake in the resolution of that issue; or that same actor, by exercising that authority may severely damage his cause in some other issue where his stakes are higher but where his authority is not as clear-cut. In other words, success in the decision-making arena may preclude exercising full power. Nonetheless, the structure exists, complete with hierarchy and if necessary it can be used by some actors as a powerful resource in the decision-making arena.

Support for my position can be seen in Graham Allison's models. While Allison does not state that a structure exists complete with a known hierarchy, he does imply that this is the case. In his *Bureaucratic Politics*

Model Allison argues that a player's power, i.e., his effective influence on policy outcomes, is determined to some extent by an unspecified combination of three factors. The first is bargaining advantage, which is based on formal authority and obligations, or what I have defined as structure; the second, institutional backing; and the third, other actors' perceptions of the first two.¹⁴ Clearly then, while structure by itself may not determine a player's power, it nonetheless exists and is an important resource for that power. I believe that this argument applies to Allison's Organizational Process Model as well. It is difficult to separate the individual player from the organization he represents. Indeed, Allison argues that an individual player's power and his ability to bargain is in part a function of that player's "institutional backing." An organization cannot bargain. Individuals bargain on behalf of their organizations and receive support and direction from the organizations they represent. In the same way an individual's place in the structure is a function not of the individual, but rather of the organization's formal authority and obligations. In short, in both of Allison's models, structure appears to be an important variable in explaining behavior and policy outcomes. To what degree structure is important, however,

is unclear.

If my argument concerning structure is valid, I can now modify a behavioral proposition formulated when discussing participants. I suggested that players in a conflict who perceive that the outcome will be unfavorable will attempt to recruit additional players with goals or stakes in the outcome which are similar to their own. If the mix of players determines the political sub-system for a given issue, it follows that players who perceive an unfavorable outcome to an issue will attempt to recruit additional players in an attempt to alter the structure of the political sub-system. I will of course test this proposition with the B-70.

Process

As I suggested earlier, structure is closely related to the process variable. In fact, these two variables are difficult to separate. Structure, complete with formal authority, responsibility and obligations, dictates to a large extent how an issue will be formally processed through the political system toward resolution. In other words, the structure of the political system establishes the action channels and establishes the rules of the game. Structure, by stipulating responsibility, degrees of au-

thority, and hierarchy, locates the points of entrance into the decision-making arena for different participants and by doing so prescribes how much participants can formally influence the outcome.

Samuel Huntington's book, The Common Defense, cited at the beginning of this study, is particularly useful here for a number of reasons.¹⁵ First, Huntington, unlike the other theorists cited thus far, is concerned primarily with military policy decisions which helps to narrow the scope of the more general approach to decision-making developed up to this point in a direction that is consistent with the subject matter under investigation in this study. Second, Huntington's work is directed at the process variable which is the immediate topic; third, the linkage between process and structure is clearly stated; and finally, Huntington develops some behavioral propositions which can be used in analysis of the B-70 controversy.

After stating unequivocally that military policy is a result, not of "... deductions from a clear statement of national objectives" but rather "it is the result of politics,"¹⁶ i.e., bargaining and compromises, Huntington distinguishes two types of decisions in military policy-making. The first, "strategic" decisions, concerns "the

units and uses of force" which Huntington describes as "the currency of international politics."¹⁷ Huntington subdivides strategic decisions into two broad categories:

- 1) Program decisions concerning the strength of the military forces, their composition and readiness, and the number, type, and rate of development of their weapons; and
- 2) use decisions concerning the development, commitment, and employment of military force, and manifested in military alliances, war plans, declarations of war, force movements and the like.¹⁸

"Structural" decisions, Huntington's second component of military policy decisions, deal generally with "procurement, allocation, and organization of the men, money and material which go into the strategic units and uses of force."¹⁹ These elements Huntington described as "the currency of domestic politics."²⁰ While the categories are quite explicit, Huntington is quick to point out that "in practice no sharp line exists between the strategic and structural elements in a military policy decision."²¹ It is clear that a major action in one area will impact on the other and a decision of either type can be influenced by the other. Huntington provides the following example to make this point:

A decision to build a long-range missile within three years, for instance, is strategic. A decision to have it

built by the Army in a government arsenal instead of a private company under contract with the Air Force is structural. But if it is technically or administratively impossible for the arsenal to construct the missile within the specified time limit while the private company could do so, the decision on structure will reverse the decision on strategy.²²

With this background Samuel Huntington advances the proposition that "strategic decisions are executive in locale but legislative in character,"²³ and a corollary statement that structural decisions "normally require both executive and legislative action,"²⁴ and are also legislative in character. Huntington is suggesting that strategic decisions, i.e., decisions on the units and use of force, are determined in the Executive Branch of government, but by a process of bargaining and compromising which is more characteristic of decisions made by the legislative branch of government. Huntington says that a policy-making process is legislative to the extent that:

- 1) the units participating in the process are relatively equal in power (and consequently must bargain with each other);
- 2) important disagreements exist concerning the goals of policy; and
- 3) there are many possible alternatives.²⁵

According to Huntington, a process is executive in character to the extent that:

- 1) the participating units differ in power (i.e., are hierarchically arranged);
- 2) fundamental goals and values are not at issue; and
- 3) the range of possible choice is limited.²⁶

The first conditions cited by Huntington in both the legislative and executive process relate to structure, indicating clearly that Huntington sees process at least partially determined by that variable. Interestingly, Huntington can be read as incorporating another variable I have considered into his process model. The second condition that Huntington cites in both his legislative and executive processes, i.e., whether fundamental disagreements exist between or among the participants, can be translated to what Halperin has called -- and I have adopted -- "organizational essence." Huntington has suggested that if important disagreements exist, i.e., if the participants perceive their organizational essences under attack, the process tends to be legislative. On the other hand, if no disagreements exist, the process tends to be executive. Unfortunately, Huntington provides no clue as to which of these conditions, i.e., the structure,

or organizational essence, is more important to process. Nonetheless his argument appears to be in line with the proposition I advanced earlier that an organization struggles hardest for the capabilities which it views as necessary to the essence of the organization.

I have stated elsewhere that process varies with structure and Huntington appears to agree with that observation. I have also stated that structure is a relatively stable variable, or put another way, that structure does not vary, contrary to Lowi, with every issue the political system considers. Rather, I would argue that the degree of conflict over an issue will determine how significant structure is to the resolution of that issue. If an issue is contentious, structural elements are relatively important to the outcome of that issue because bargaining advantage in a contentious issue is a function of the structure and related process of the decision-making environment. If there is relatively little disagreement over an issue, structure and the accompanying process are much less significant because bargaining advantage is less necessary. To be sure, structure is not a static variable, but it changes over a much greater time frame than each issue. Accordingly, the process consistent with structure

is also relatively stable. It too changes, but in tempo with structural change and not by issue.

If these observations are correct, it follows as a general proposition that governmental actors will seek structural changes to alter the decision-making process. These changes are designed to enhance a player's organizational essence or that actor's capability to pursue its organizational essence. Implicit in this general proposition is a combination I advanced earlier. It should be clear, however, that I am building a case to suggest that structure is often a very significant, if not the most significant, variable in determining policy outcomes.

Analysis of the B-70 Controversy

Before beginning an analysis and evaluation of the B-70 controversy it is appropriate to restate why the B-70 controversy was chosen to be studied over other weapons debates, (especially since other weapons controversies have been already addressed by other students of the weapons development and acquisition process), and at the same time provide evidence to suggest the significance of structure. The principal reason for the selection of the B-70 controversy over disputes already studied was that

unlike other major weapons disputes, such as Thor-Jupiter, Nike-Talos, or the supercarrier -- B-36,²⁷ the B-70 fight could not be characterized as an inter-military service rivalry. In other words, those controversies were not primarily congressional versus executive controversies but rather involved one armed service against another. Such disputes were inappropriate for detailed study here.

However, while not suitable for in-depth investigation here, the Thor-Jupiter, Nike-Talos, and supercarrier -- B 36 controversies are nevertheless instructive. Each of these disputes was played out prior to 1958, i.e., before structural changes to the political system through the revisions to Section 202(c) of the National Security Act giving the Secretary of Defense clear and unequivocal authority to make final decisions over weapons systems selection and production and before the military services suffered a status decline in the organizational structure of the Department of Defense. Indeed, as has been shown in chapter four of this study, those bitter and prolonged interservice fights over weapons development were a primary reason why President Eisenhower sought, and Congress granted, greater executive authority over weapons development and production. Since those 1958 amendments, there

have been no major weapons disputes which have been or could be characterized as predominately interservice rivalries. The absence of such disputes provides important but certainly not conclusive evidence for the specific thesis that the 1958 amendments to the National Security Act, which empowered the Secretary of Defense to make final decisions on weapons, were a significant resource in gaining control over weapons development. It also provides some credibility to the general proposition that structural change will bring with it changes in the way issues are processed through the system.

Another important piece of evidence in support of the specific thesis also comes from a weapons controversy known as the TFX dispute. The TFX was an experimental tactical fighter aircraft, later named the F-111. The controversy began in late 1959. Robert J. Art characterized the controversy as one which pitted the military against the Secretary of Defense; Art argued that the issues of the TFX controversy "centered on who had the authority and power to determine what kind of aircraft would be built and who would build it."²⁸ One of the purposes of Art's study was to "explain why he [Secretary of Defense Robert McNamara] was able to make and enforce such a decision [to build the TFX] when the military had

traditionally been the final authority for selecting sources to develop their new weapon system."²⁹

While the stated purpose of Professor Art's study, i.e., to explain why McNamara could make and enforce the TFX decision, indicates that there are major similarities between the TFX and B-70 controversies, it also indicates a major difference -- that, Art's study centers almost exclusively on Secretary of Defense McNamara and not on the Office of Secretary of Defense as an institution. Nonetheless, the fact that the Secretary of Defense could "make and enforce" a decision to build the TFX in spite of heavy and vocal opposition from the Navy, the Air Force, and the Congress, helps support the thesis that the National Security Act, as amended, especially after the 1958 revisions, was a significant resource in enabling the Secretary of Defense to control decisions concerning weapons systems. In other words, the 1958 amendments to the National Security Act of 1947 can be viewed as a major cause of the changed pattern of weapons controversies, from primarily interservice rivalries to conflict between the Secretary of Defense and a coalition of a military service and its supporters in the legislature. The TFX was played out entirely in the post-1958 period and, as already suggested, conforms to the kind of weapons con-

troversty that would be predicted from the structural change via the National Security Act, i.e., executive versus congressional-military disputes. The manned bomber B-70 controversy is a better case with which to test the thesis because it began a few years before the enactment of the 1958 amendment and therefore allows a pre and post 1958 view. I will attempt to present that "pre" and "post" 1958 view in the analysis of the B-70 which follows.

Who Were the Participants?

I adopted the issue-area concept as developed by James Rosenau,³⁰ and supported by others, as a guide to identifying relevant governmental participants in the B-70 controversy. Rosenau essentially argued that a specific issue to be resolved will elicit responses from interested actors in the political system. Based on the issue, "strategic bomber," I was able to develop and narrow a list of probable participants in the Congress, in the Executive Branch and even some non governmental groups on which to focus my attention. In the Congress I found that the primary actors were the House and Senate Armed Services Committees, the Defense Appropriations Subcommittees and various special committees which were established from time to time to investigate defense related matters,

such as the Special Senate Committee on Military Preparedness. In the Executive Branch the list of participants included: the President; the Secretary of Defense; various Assistant Secretaries involved in weapons decisions; the civilian and military leadership of the Air Force; and the Joint Chiefs of Staff.

The case study of the B-70 controversy clearly illustrates the utility of the issue-area concept. By isolating the issue, "strategic bomber," from a more general foreign policy issue I was able to narrow the field of potential participants in the controversy. Knowing that the controversy involved the research, development and procurement of a strategic manned bomber, I was able to isolate further the potential units of government which would be involved.

For purposes of this study, it is important to note that while the issue-area concept has proved to be a useful tool for analysis, it could be argued that the organizational structure of both the Congress and the Department of Defense -- their authority and responsibilities -- is a sufficient guide to predicting who would be involved in a decision and/or controversy involving the development of a strategic manned bomber. In fact, the

case study shows that grants of legal authority to an organization or a group in a specific area, guarantee participation in decisions concerning that area. Indeed, the case study demonstrated that after 1961 and the enactment of Section 412(b) of the Military Construction Authorization Act of fiscal 1960, requiring legislative authorization for the procurement of military weapons, the House Armed Services Committee became a more active participant (albeit not always a successful one) in the B-70 conflict. This provides some evidence to support the argument that organizational structure is a good guide to determining who participates in certain kinds of decisions. I am more concerned however, with establishing support for the primary thesis of this study that legislative grants of authority by Congress to the President and Secretary of Defense were important factors in explaining why congressional power was significantly reduced vis-a-vis the executive in decisions (specifically the B-70 decision) concerning military weapons and procurement policies.

A proposition advanced by Theodore Lowi, and incorporated as a behavioral proposition in the general approach developed above, that a protracted conflict will involve

more and more actors who perceive a stake in the outcome, kept me constantly alert to possible and probable additional participants in the manned bomber conflict. Lowi's proposition proved to be particularly perceptive. When the issue "strategic bomber" was raised, only anticipated actors were involved. But, as the issue continued and the conflict intensified a variety of secondary actors became increasingly involved and visible. Some of these actors were logical participants in the issue, such as the Air Force Association and elements of the aviation and electronics industries (both labor and management groups had an economic stake in the bomber issue). Other actors' participation in the controversy was less predictable. For example, the Federal Aviation Administration, which argued that the B-70 project was absolutely vital to the development of a civilian supersonic air transport, became involved. The House Committee on Science and Astronautics became tangentially involved in the issue as did a number of other congressional committees as the conflict intensified and carried over from year to year.

What Were the Stakes?

I have suggested that to explain or predict the be-

havior of a governmental actor in a conflict it is necessary to know what stake that actor has in the outcome of the issue. If the stakes are high for a participant, that participant will do all within his capabilities (i.e., take those actions which the structure of the environment permits) to influence the outcome of the issue. I have argued that the concept of "organizational essence" is a good tool by which to judge the stakes an actor has in a given conflict.

The case study of the B-70 documents continued and persistent efforts by the Air Force leadership to secure the B-70 strategic bomber. Year after year the Air Force leadership insisted that the bomber was necessary to carry out its mission. Indeed, it could be argued that the strategic manned bomber was the cornerstone of the Air Force's organizational essence. Morton Halperin states:

Since its inception as a separate service in the early post-war period, the dominant view within the Air Force has been that its essence is the flying of combat airplanes designed for the delivery of nuclear weapons against targets in the Soviet Union.³¹

Certainly, the Air Force leadership throughout the controversy consisted of, to say the least, "big bomber advocates." General Curtis LeMay, the most notable and outspoken Air Force Chief of Staff, is an excellent example

of a leader of an organization who represented the essence of that organization and in turn was wholly supported by it. General LeMay's consistent efforts to gain approval for the B-70 program have been noted. But even before LeMay, General Thomas D. White was just as persistent. The case study shows that White, who preceded LeMay as Air Force Chief of Staff, attempted to bargain away the F-108 fighter and slow development of another fighter, the F-104, in exchange for approval by the Secretary of Defense of the B-70. White carried his arguments for the B-70 to Congress just as LeMay would do and advanced to Congress what became the Air Force's standard line in advocating the B-70 over ICBM's: the manned bomber could be launched immediately, but called back if necessary and manned bombers could destroy underground targets where extreme accuracy is needed.

The detailed history of the manned bomber controversy has shown many other Air Force leaders arguing for the strategic bomber program including General Frank F. Everest when he was Commander of the Tactical Air Command. (It appears that the single-mindedness of the Air Force's top leadership supports Allison's contention that organizational parochialism is encouraged by selective recruitment of personnel into an organization.)³² Given

the picture of the manned bomber as the organizational essence of the Air Force it is not difficult to understand why the Air Force leadership continued to press for the B-70 at all costs.

This picture of Air Force behavior appears to confirm the validity of the behavioral propositions advanced earlier. It is clear that the Air Force favored policies and strategies which its members believed would make the organization as they defined it more important, and that the organization struggled hardest for the capabilities which it viewed as necessary to the essence of the organization. Another of the behavioral propositions is supported by the B-70 case study and helps to explain Air Force behavior. Halperin has suggested, and I have accepted, the proposition that an organization resists efforts to take away from it those functions viewed as part of the essence. Rather it will seek to protect these functions by taking on additional functions if it believes that foregoing these added functions may ultimately jeopardize its sole control over the essence of its activities. The case study shows, for example, the Air Force leadership's willingness to expand the mission of the B-70 to that of a reconnaissance-strike (RS) mission, and to argue that the craft could be used as a troop carrier as well.

This suggested that the leadership was accepting additional functions to protect its primary function: the delivery of nuclear weapons via a strategic manned bomber.

The mission and organizational essence of the Office of the Secretary of Defense is more difficult to define precisely. A reasonable indication of its mission can be found in the legislation that created the office. It is recalled that in an effort to achieve economy and efficiency in defense spending the Secretary of Defense was charged by Congress with overall responsibility, control and coordination of the armed forces and, among other things, to make final decisions on weapons systems selection and development. In a word, the organizational essence of the Office of the Secretary of Defense was "management." From the beginning, but especially during the long tenure of Secretary McNamara, the Secretary's office concerned itself with efficient and effective management to obtain the best possible military posture for the least cost. Indeed the case study documents repeated appearances of the Secretary of Defense (or his representative) before congressional committees making the argument that the B-70 bomber, compared to alternative weapons, was the least efficient weapon in terms of expenditures.

It is clear from the case study that the several Secretaries of Defense were never convinced by bomber advocates of the strategic utility of the B-70 bomber. Given the organizational essence of the office of the Secretary as effective and efficient management or the best military posture for the least cost, a clash between the Air Force leadership and the civilian leadership of the Department of Defense was inevitable.

The House and Senate Armed Services Committees and Defense Appropriations Subcommittees have primary congressional responsibility for authorizing and appropriating funds for weapons systems development and procurement. These responsibilities are the basic missions and essence of these organizations and can be translated into the desire to be involved in weapons decisions. The Committees' desire to be involved in weapons decisions was bolstered by constituency interest -- I have discussed in the case study the economic incentives and the resulting electoral pay off for a commitment to a major and expensive weapons system -- and by the strong leadership of the several chairmen of these committees. Clearly, the chairmen of the congressional committees worked hard to influence weapons decisions. Without such influence their committee's organizational essence was shattered and with

it their own personal power and importance. Again, as was the case with the Air Force leadership, the organization reinforced the leadership and vice versa.

Several incidents reported in the case study lend credence to this interpretation. I discussed Section 412(b) of the Military Construction Authorization Act for fiscal 1960 which stipulated that no appropriations for weapons procurement could be made without authorization by the Armed Services Committees of both the House and Senate. Raymond Dawson suggested that 412(b) was an attempt to alter the executive-congressional control over strategic decisions while Bernard Gordon saw the section as an attempt by the Armed Services Committees to share in decisions with the Defense Appropriations Subcommittees and thereby reorder the congressional balance of power.³³ Both interpretations support the argument that 412(b) was an attempt to gain influence in weapons policy decisions and enhance the organizational essence of the congressional committees involved. For purposes of this study, it is significant to note that the Armed Services Committees hoped to gain influence in weapons policy decisions by enacting legislation, i.e., formally altering the structure of the decision-making arena which in turn would impact on the decision-making process.

The Kennedy-Vinson and Hebert-McNamara controversies, which occurred in 1962 and 1963 respectively, were sparked by the specific disagreement between the Armed Services Committee and the Administration on the B-70 program. The Armed Services Committee, led first by Chairman Vinson and then by Chairman Hebert, pressed for accelerated development of the B-70 while Secretary McNamara objected. These controversies, however, can be read in a more general context: the desire of the Armed Services Committee to exert influence on weapons policy issues. Such a reading would be consistent with the Chairman's view and the members' view of the role and mission of the Armed Services Committee.

The organizational essence of the several congressional committees involved in military weapons programs does not provide an explanation of why those groups continued to fight for the B-70, especially in view of the fact that they appeared to be losing the battle with the President and Secretary of Defense. Halperin points out that organizations avoid situations in which they cannot exert influence since "to develop a reputation for losing reduces a group's standing with other groups."³⁴ The Air Force's constant pressure for the B-70 (even in the face of continued defeat) is understandable since the manned

bomber can be viewed as the cornerstone of that organization's essence. The Armed Services Committees' and the Defense Appropriations Subcommittees' willingness to continue to battle for the manned bomber with the Secretary of Defense and the President is less clear from their organizational essence. The bomber, while a major and expensive weapons system, was only part of a much larger American strategic arsenal. The Congress could have easily avoided a conflict with the President and Secretary of Defense over the manned bomber issue.

To appreciate more fully the commitment of the several congressional committees to the manned bomber program it should be understood that the strategic manned bomber had occupied a central position, in the post World War II period, in the American military and defense posture. The Congress has long been a proponent of air power. In a very real sense congressional committees had been dealing with air power since the end of the First World War. The parochialism of congressional organizations ensured the focusing on the airplane as a mainstay of American military hardware. Support for this argument can be found in my discussion of why the Army leadership decided to support a separate air corps [chapter two] instead of maintaining the air corps as part of the Army. I concluded

that the Army leadership supported a separate air corps because they feared that Congress with its commitment to air power, would appropriate the lion's share of the Army's budget to the air component and reduce the importance of the combat ground troops which were the perceived organizational essence of the Army.

Stated simply, I am convinced that in the minds of the leaders and members of the congressional committees which considered the manned bomber program (as well as other Congressmen not represented on these committees) the B-70 program in particular and the manned bomber in general, were perceived as a fundamental element of U.S. military posture. It can be concluded that these congressional committees defined for themselves the major mission of maintaining a central role for the strategic bomber, a mission which they did not accomplish.

While the stakes that the various participants had in the outcome of the B-70 issue, as determined by their organizations' essences, appear to be useful in predicting that a major debate would emerge, and even in predicting the behavior of the participants in such a debate, knowing the stakes is not sufficient to explain the outcome of that controversy. I cannot yet explain why the President and

Secretary of Defense were able to frustrate the Air Force and the several congressional committees' continued insistence that the aircraft be put into full-scale production. The structure and process variables help answer that basic question.

Structure and Process Variables

In introducing these variables in general decision-making theory I argued that structure exists independently of any particular issue, and that structural characteristics to a large extent dictate how an issue is processed through the political system. I have included these variables by way of Samuel Huntington's proposition that "strategic" decisions, i.e., decisions concerning "the units and uses of force," are legislative in character but executive in locale; and "structural" decisions, i.e., decisions concerning "procurement, allocation and organization of the men, money and material which go into strategic units of force," normally require both executive and legislative action but are also legislative in character. I have already established that Huntington considered the structure of the decision-making environment as an important determinant of the process.

Given the organizational and bureaucratic interests of the Air Force, the Office of the Secretary of Defense, and the defense related committees in Congress on the strategic decision regarding the manned bomber, it is not difficult to understand why Huntington suggests that the process of decision-making is characterized by bargaining and compromise much like the legislative process, although the locale of this process is in the executive. Historically, the individual military services made the decisions on what kinds of weapons they wanted to develop and ultimately procure. As I have shown, that privilege was removed from the services and delegated by law to the Secretary of Defense in the interest of economy and efficiency. The services were downgraded from executive departments to military departments. This structural change brought with it a change in behavior of both the Office of Secretary of Defense and the Department of the Air Force. Historically, the military services were independent Cabinet level departments equal in power and authority to each other and all other Cabinet departments. In other words, the bargaining position of the military departments was substantially better before their reduction in status and the creation of the Office Secretary of Defense. Indeed, with the change, one of Huntington's con-

ditions for the legislative process was not met. Namely, the bargaining units were not approximately equal in power, contrary to Huntington's stipulation.

The case study has shown that in spite of many different attempts to bargain with the Secretary of Defense to secure the B-70, the Air Force leadership could not convince the Secretary's office of the strategic significance and necessity of the airplane. While the maneuvering of the Air Force leadership and the Secretary's office gave the appearance of a bargaining and compromising process, the case study shows that the Secretary gave up little and enforced his decision to curtail the B-70 program. In fact, the Air Force leadership's march to the House and Senate Armed Services Committees and Defense Appropriations Subcommittees was a clear sign of the weakness of the Air Force leadership's ability to bargain effectively with the Secretary of Defense.

In the years before the creation of the Department of Defense and the enactment of the 1958 amendments to the National Security Act of 1947, the military services, failing to convince the President of the need for a weapon, invariably went to Congress. The Navy, for example, went to the Committee on Naval Affairs, and if the Navy could convince that Committee of the need for the weapon, the resulting

coalition between the Navy and the Committee became a powerful bargaining unit against the President. After the legislation of 1947, the Congress reorganized and consolidated the separate committees dealing with the Army and Navy into a unified Committee on Armed Services -- a structure that paralleled the new "unified" military establishment. So, while the historic tradition of a military service marching to a congressional committee to bolster its own position regarding a weapon continued, the power and authority of the congressional committee was diminished as a function of several elements: first, a weaker military service; second, a stronger civilian leadership in the newly created Department of Defense; third, a Secretary of Defense armed with legal authority to manage for economy and efficiency thereby removing a good deal of the need and necessity to bargain and/or compromise on strategic decisions; and last, widened responsibility of the Armed Services Committees as compared to previous congressional committees dealing with military weapons. In regard to the last element, while I believe that the Armed Services Committees had a deep commitment specifically to the manned bomber program, in a more general sense the responsibility of that Committee was much

wider than the preceding committees. As a result, their power was diluted on a particular weapon.

The fact that the Air Force-congressional coalition was not able to convince the Secretary of Defense to move ahead on the bomber program does not diminish the validity of the behavioral proposition that when an actor perceives an unfavorable outcome to a conflict, that actor will attempt to recruit other participants to alter the structure (and process) of the decision-making environment. This tactic was successful before the enactment of the 1947 legislation and the 1958 amendments, i.e., before the structure of the decision-making environment was altered. That structural change however, rendered this traditional march to Congress by a dissatisfied military service much less effective.

The case study shows that Huntington's characterization of the strategic decision-making process was inaccurate. Rather than being "legislative" in character it was much closer to Huntington's "executive" process. A major element of the "legislative" process as presented by Huntington was that the participating units be equal in power. This was clearly not the case. The Air Force was subordinate to the Secretary of Defense (as a result of the National Security Act as amended) and could not

impose a new heavy bomber program on the Secretary. The only avenue open to the Air Force leadership was the traditional march to Congress (a path maintained by the Congress in the National Security Act). Congressional influence was also diminished. By charging the Secretary of Defense with responsibility to effect economy and efficiency in defense spending and overall coordination and control of the military establishment, the Congress removed a good deal of the politics historically associated with strategic decisions. Additionally, by encouraging the Secretary of Defense to develop and present to Congress an overall military weapons policy, the Congress reduced its ability to influence strategic decisions by making structural decisions. The case study shows how the House and Senate Armed Services Committees year after year authorized funds well in excess of that requested by the several Administrations, and the House and Senate Defense Spending Subcommittees appropriated funds at the authorized level rather than at the Administration's requested level. These authorization and appropriation decisions were attempts by Congress to force the Secretary of Defense and the President to alter their strategic decisions on the manned bomber. These attempts by Congress were resisted by the executive.

Nonetheless, the several Secretaries of Defense and Presidents did compromise and bargain with the Air Force and with the relevant congressional committees. But those bargains and compromises never approached the accelerated development and procurement of the manned bomber that both the Air Force and pro-bomber congressional groups desired. Rather, the Secretary of Defense agreed to keep the bomber program alive by continuing to allow funds for study and even the construction of two prototypes. In other words, in spite of the Secretary's and President's firm opposition to the B-70, they agreed not to kill the program entirely.

In exchange for allowing the program to be funded minimally, the Secretary of Defense and President, while certainly not immune from vocal and frequent criticism, avoided potentially embarrassing confrontations with congressional committees and/or protest resignations from high ranking Air Force civilian officials and military officials. In other words, by stringing out the B-70 decision by agreeing to test and study further, the Secretary of Defense avoided a constitutional confrontation with the House Armed Services Committee, and encouraged both congressional committees and the Air Force leadership to continue to play their traditional organizational

roles. The appearance of political bargaining and compromise between the participating units was maintained, the congressional committees continued to hold hearings, to investigate, to authorize and appropriate funds for the bomber program, and to criticize the Secretary of Defense and the President. The Secretary of Defense and other civilians from the Department of Defense continued to appear before the Congress defending their decision not to accelerate research, development and production of the B-70. And the Air Force continued to press its case for the program to both the Secretary of Defense and the Congress.

This argument does not support Lowi's proposition that a prolonged conflict increased the uncertainty about the outcome of a conflict. The case study demonstrates that there was little doubt as to the outcome. The President and Secretary of Defense continuously frustrated the efforts of the pro-bomber advocates on the House and Senate Armed Services Committees, the Appropriations Committees and others, and the bomber enthusiasts in the Air Force, to accelerate the development and production of the B-70. As I have suggested, the fact that pro-bomber forces were able to keep the program alive over a long period of time was not an indication of their strength,

but rather the result of a political tactic employed by the Secretary of Defense which enabled him to maintain control of the issue.

Huntington's proposition suggesting that the strategic decision-making process is legislative in character assumes that the decisions will ultimately reflect the organizational interests of each of the participants. The evidence presented in the case study, however, shows that in spite of the "politics as usual" facade in the B-70 controversy, the Secretary of Defense and the President never lost control of the program. Indeed, I am forced to conclude that while the decision appeared to be legislative in character -- as Huntington would predict -- it was in fact closer to Huntington's executive decision-making process.

What then accounts for this variance? The evidence suggests that the major difference was that the participants in the B-70 controversy were not equal in power and authority. The National Security Act of 1947, which created a "unified" military establishment, and the three significant amendments in 1949, 1953 and most importantly 1958, created structural changes which clearly established the dominant position of the Secretary of Defense to make

decisions concerning military weapons systems. These changes reduced significantly the necessity of the Secretary of Defense to bargain and compromise with the Air Force leadership and the House and Senate Armed Services and Defense Spending Appropriations Committees.

In summary, the issue "strategic bomber" called into play a political sub-system composed initially of the Office of the Secretary of Defense and the Air Force leadership. The stakes of these participants were very high when measured against their respective organizational essences and a conflict developed. The Air Force, failing to convince the Secretary of Defense of the strategic need of the aircraft, and unable to impose their will on the Secretary, widened the political sub-system by recruiting additional -- but friendly participants. The Air Force leadership enlisted the aid of the Armed Services Committees and Defense Appropriations Subcommittees of both the House and Senate in an attempt to enhance its bargaining position in the controversy by changing the structure of the decision-making environment. This tactic appeared to be effective before the structural changes in the decision-making environment were enacted via the National Security Act of 1947 and the several major amendments to

that act. After 1958, however, when the Secretary of Defense was granted clear authority to make policy decisions on the research, development and procurement of weapons systems, enlisting congressional support in a weapons system controversy was ineffective. In other words, the change in structure in the decision-making environment -- i.e., the granting by Congress of unambiguous legal authority to make weapons policy decisions -- was a significant power resource which enabled the Secretary of Defense to frustrate both the Air Force and its congressional allies.

If these conclusions are valid, it is noteworthy that in light of the repeated frustrations of Congress in not being able to persuade or compel the Secretary of Defense to accelerate development and production of a follow-on strategic manned bomber, Congress enacted no major revision to the National Security Act which would reduce the power and authority of the Secretary of Defense. This is true even though -- as the case study has shown -- the House Armed Services Committee and specifically Chairman Hebert, in confrontation with Secretary McNamara voiced concern that Congress had given the Secretary too much power.

I can offer at least a partial explanation of this situation. First, while many members of Congress were indeed frustrated over the bomber issue, the increased power and authority vested in the Secretary of Defense by the 1958 amendments to the National Security Act allowed the Secretary to curtail and control the interservice rivalries that characterized the Department of Defense before the 1958 revisions. It also allowed what was perceived to be more efficient management and operation of the Department. It may well be that members of Congress were unwilling -- or at least reluctant -- to return to the pre-1958 situation (complete with weapons duplications, and intense interservice fighting) over the bomber issue.

Second, as I suggested earlier, while the bomber issue was major and contentious, it did not threaten the core of the organizational essence of either the Appropriations or Armed Services Committees. Therefore, they were not motivated to reconsider the structure of the decision-making environment.

A third, and perhaps the most important explanation, is that rarely are issues resolved in the sense that they are finished and will not reappear. Government decision-making is a dynamic and continuous process -- a seamless web. I have depicted a long history of the strategic

bomber controversy, but I have provided only a snap shot of that controversy because it continues today. The case study shows that almost annually over a fifteen-year period the bomber issue reappeared in the decision-making environment. Although the issue never reappeared in exactly the same form -- the various names associated with the follow-on strategic bomber starting with the WS-110 to the B-1 speak to the changes in the issue -- the fundamental question, i.e., whether or not a follow-on to the B-52 bomber would ever be produced, never changed. The continuous nature of the strategic bomber issue is evidence that governmental participants hardly ever view any decision as a final outcome to an issue. Rather, decisions are viewed by participants as temporary setbacks or temporary victories. In other words, perhaps conflict resolution in government decision-making is an inaccurate characterization. It would appear that conflict management is a closer approximation of how issues are handled. Accordingly, formal change in the structural environment by legislating new responsibility and authority is not a frequent occurrence.

The above analysis has not incorporated James Kurth's scenarios for explaining why the United States buys the

weapons it does.³⁵ Kurth's work, in my judgement does not formally fit in the decision-making theory framework. Nonetheless he raises several important questions which require a response.

Recall that Kurth offered four scenarios seeking to explain weapon's procurement decisions in the United States. The first was a "strategic" explanation which he argued is a rational calculation about foreign threats or from reciprocal dynamics of arms races.³⁶ Kurth's second explanation is characterized as competition between bureaucracies, especially the military services.³⁷ The third and fourth explanations are labeled "democratic" and "economic" respectively. In the democratic scenario Kurth argues that weapons decisions are made on electoral calculations by the President and members of Congress. In the economic scenario, Kurth sees weapons policy as a function of the needs of the capitalist system or the needs of particular corporations or industries.³⁸

Indeed, the B-70 case study does document the economic advantages which would have accrued to various congressional districts if the B-70 program has been pursued as the Armed Services and Appropriations Committees had demanded. It also takes note of the economic hardships that occurred (particularly in Ohio and California) as a

result of curtailment of the initial program. The case study also suggests the impact of electoral politics. In both the 1960 and 1964 Presidential campaigns the B-70 became an important issue. In the earlier election, Vice President Nixon, seeking electoral support in California, was instrumental in convincing President Eisenhower to release impounded B-70 funds. This was a clear case of distributing governmental resources to buy votes. In the 1964 Presidential race between Barry Goldwater and Lyndon Johnson, the abrupt -- but temporary -- reversal in the Johnson Administration's position on the B-70 attests to the relevance of electoral politics.

Further evidence of "economic," and/or "electoral" behavior by government actors was illustrated in the case study by the frequent criticism of the President and Secretary of Defense by members of Congress whose constituencies included defense contractors associated with the B-70 program and who stood to benefit substantially from a decision to accelerate the bomber research and development program. It is clear that a full-fledged B-70 program would have pumped billions of dollars into the economy with electoral benefits accruing to some members of Congress as well as to the President. In short, the

case study does provide some evidence to support the behavior predicted by Kurth's economic and democratic scenarios.

That behavior, however, was not the most evident interactive pattern suggested by the case study. Indeed, Kurth would predict that the only significant controversy that should have developed among and between the political actors was to whom should the resources be distributed. The study of the B-70 presented here, shows clear evidence of a more basic conflict than Kurth would suggest between the anti-bomber forces, i.e., the Secretary of Defense and the President, and the pro-bomber forces in the Congress and the Air Force. At the heart of this basic conflict was the question: was the heavy bomber necessary, and who had the power and authority to make that decision?

The Kurth explanations presuppose that there was basic agreement on the necessity of the bomber and that the power and authority to make decisions on weapons procurement policies is shared more or less equally by various units of government in the executive and congressional branches. This characterization is at variance with the facts presented in the case study. It is clear that the decisions on the B-70 were effectively

managed by the President and Secretary of Defense and not by independent governmental units operating in a decentralized political system. Indeed, as I have suggested, there was compromising and bargaining between competing units of government, which essentially explains how pro-bomber advocates in Congress and the Air Force were able to extend the life of the program. Those compromises and bargains, however, never met the objectives of a full-scale research, development and procurement program for the B-70. The President and Secretary of Defense, while agreeing to extend the life of the B-70 program, never lost control of the issue.

Kurth, himself, did not appear to find either the economic or democratic scenarios satisfactory explanations of the events surrounding the B-70. In fact, he explains that "strategic" considerations, i.e., the ineffectiveness of manned bombers both in terms of vulnerability and cost effectiveness, bolstered by bureaucratic considerations, i.e., McNamara's desire to establish supremacy over the military services, provide a better explanation of the B-70 outcome.³⁹

The case study has shown that the several Secretaries of Defense argued that the B-70 was not a rational choice

among available weapons strategies, but that neither the Air Force leadership nor their supporters in Congress appeared to accept that argument. Nonetheless, the Secretary of Defense was able to prevail.

It seems to me that Kurth's "strategic" scenario, while falling far short of a satisfactory explanation of the B-70 outcome, can be read as support for my proposition that the authority and power of the Secretary of Defense was a significant resource in enabling the Secretary to enforce his decision. More importantly, I believe that Kurth's four explanations and the evidence in the case study that lends some credibility to each, is very useful in emphasizing the complexity of governmental decision-making and the many perspectives from which that decision-making must be viewed.

The manned bomber controversy provides support for the proposition that congressional influence has been reduced compared to the influence and power of the executive on critical decisions concerning military development and procurement policies. I believe I have made a credible case to support my claim that a significant factor in accounting for reduced congressional influence was the National Security Act of 1947 as amended. That legislation effected major structural changes in the military policy

decision-making mechanism of the government, which provided the Secretary of Defense and the President with the authority and power necessary to enforce their decisions, even over the objections of Congress.

While I have argued that structural changes are not made frequently or rapidly -- the Congress had considered the "unification" of the military services since the Spanish-American War and the creation of an autonomous Air Force since the end of World War I -- such changes do from time to time occur. With them could occur a new and fundamentally different military policy-making hierarchy. To be sure, no statute is chiseled in stone. A statute reflects -- figuratively at least -- a moment in the political history of a nation. Just as today's manned bomber decision is subject to review and change, the National Security Act is subject to review and change, perhaps redressing the imbalance of power between the executive and legislative branches of government.

FOOTNOTES

CHAPTER ONE

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CHAPTER TWO

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²⁷Ibid., sec. 206(c).

²⁸Ibid., sec. 208(f).

²⁹H. Rept. No. 961, 80th Cong., 1st sess. (1947), p. 4.

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³¹S. Rept. No. 239, 80th Cong., 1st sess. (1947), p. 13.

³²H. R. 4214, Title II, sec 202(a)(2), 80th Cong., 1st sess. (1947).

³³93 Cong. Rec. H9449 (daily ed. 19 July 1947), remarks by Representative Cole.

³⁴Ibid., H9450.

³⁵Ibid., H9403, remarks by Representative Busbey.

³⁶Ibid., H9405, remarks by Representative Hardy.

³⁷Ibid., H9412, remarks by Representatives Harness and Miller.

³⁸Ibid., H9414-9415, remarks by Representatives Taber and Hoffman.

³⁹Ibid., H9448, remarks by Representative Judd.

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⁴¹Ibid., sec. 211(b)(g).

⁴²Ibid., sec. 211(c).

⁴³Ibid., sec. 212.

⁴⁴Ibid., sec. 213(c)(1-10).

⁴⁵Ibid., sec. 214(a).

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⁴⁷"Additional Views of Clare E. Hoffman, Chairman," H. Rept. No. 961, 80th Cong., 1st sess. (1947), p. 7.

⁴⁸"Unification and Strategy," H. Doc. No. 600, 81st Cong., 2d sess. (1950), p. 2.

⁴⁹Ibid., p. 4.

⁵⁰Ibid., pp. 4-5.

⁵¹U.S. Department of National Defense, Office of the Secretary of Defense, First Report of the Secretary of Defense (Washington, D.C.: Government Printing Office, 1948), p. 3.

⁵²Ibid.

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⁵⁴Ibid.

⁵⁵U.S. President, Public Papers of the Presidents of the United States (Washington, D.C.: Office of the Federal Register, National Archives and Records Service, 1945-), Harry S. Truman, 1949, p. 165.

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⁵⁷Ibid., p. 10.

⁵⁸Hearings before the House Armed Services Committee on S. 1843, Proposed Amendment to the National Security Act of 1947, 81st Cong., 1st sess. p. 288, (28 June 1949).

⁵⁹Ibid.

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³Amendments of '49, sec. 4; applies to NSA '47, sec. 201(b), sec. 202(b).

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⁶Amendments of '49, sec. 6; applies to NSA '47, sec. 203(a-c).

⁷Amendments of '49, sec. 7; applies to NSA '47, sec. 211(c).

⁸Ibid., applies to NSA '47, sec. 211(e)(3).

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¹⁶Ibid., p. 231.

¹⁷Ibid., p. 232.

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- ¹⁹Ibid., p. 235.
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- ²³Ibid., pp. 7-8.
- ²⁴Ibid., pp. 8-9.
- ²⁵Ibid., "Special Message to Congress on Reorganization of the Defense Establishment, April 3, 1958," pp. 277-278.
- ²⁶Ibid., pp. 279-280.
- ²⁷Ibid., pp. 280-281.
- ²⁸Ibid., pp. 281-282.
- ²⁹Ibid., p. 284.
- ³⁰Ibid., p. 285.
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- ³⁴New York Times, 11 April 1958, p. 1.
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⁴⁰Ibid., p. 9.

⁴¹Ibid., p. 14.

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⁴³Ibid., pp. 15-16.

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⁴⁸Hearings before the Senate Armed Services Committee on Department of Defense Reorganization Act of 1958, 85th Cong., 2d sess. p. 9, (17 June 1958).

⁴⁹Ibid., p. 11.

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⁵³Ibid., pp. 6-7.

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⁵⁵Ibid., p. 12.

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⁵⁹This section relies on Raymond H. Dawson, "Congressional Innovation and Intervention in Defense Policy: Legislative Authorization of Weapons Systems," American Political Science Review LXI (March 1962): 48-50.

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⁷New York Times, 5 February 1956, p. 1.

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¹⁰New York Times, 18 March 1956, p. 33.

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33Huntington, The Common Defense, p. 134.

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⁷Ibid., p. 26.

⁸Ibid.

⁹Ibid., p. 28.

¹⁰Ibid., p. 39.

¹¹Ibid.

¹²Lowi in Rosenau, p. 295.

¹³Ibid., pp. 297-298.

¹⁴Allison, p. 710.

¹⁵Samuel P. Huntington, The Common Defense (New York: Columbia University Press, 1961). Hereafter cited as Huntington.

¹⁶Ibid., p. 2.

¹⁷Ibid., p. 4.

¹⁸Ibid., pp. 3-4.

¹⁹Ibid., p. 4.

²⁰Ibid.

²¹Ibid.

²²Ibid., p. 5.

²³Ibid., p. 147.

²⁴Ibid., p. 5.

²⁵Ibid., p. 146.

²⁶Ibid.

²⁷See: Michael H. Armacost, The Politics of Weapons Innovation: The Thor-Jupiter Controversy (New York: Columbia University Press, 1969); Paul Y. Hammond, "Super Carriers and B-36 Bombers: Appropriations, Strategy and Politics," in American Civil-Military Decisions, ed: Harold Stein (Birmingham, Alabama: The University of Alabama Press, 1962), pp. 465-567; Raymond H. Dawson, "Congressional Innovation and Intervention in Defense Policy: Legislative Authorization of Weapons Systems," American Political Science Review LXI (March 1962): 42-57. (Dawson does limited analysis of several weapons controversies including Thor-Jupiter and Nike-Talos.)

²⁸Robert J. Art, The TFX Decision McNamara and The Military (Boston: Little, Brown & Co., 1968), p. xi.

²⁹Ibid., p. 9.

³⁰Rosenau, p. 14.

³¹Halperin, p. 28.

³²Allison, p. 700.

³³Dawson, "Congressional Innovation and Intervention in Defense Policy," (cited above), and Bernard K. Gordon, "The Military Budget: Congressional Phase," The Journal of Politics Vol. 23 (August 1961): pp. 689-710.

³⁴Halperin, p. 28.

³⁵James R. Kurth, "Why We Buy The Weapons We Do," Foreign Policy Number 11 (Summer 1973): pp. 33-56. Hereafter cited as Kurth.

³⁶Kurth, p. 34.

³⁷Ibid.

³⁸Ibid.

³⁹Kurth, p. 52.

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Major Professor DAVID W. TARR

Major Department POLITICAL SCIENCE

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