

# Is it Time for an *Interagency* Goldwater-Nichols Act?

**by Sean M. Roche**

## **Introduction**

The unstable global economic situation in conjunction with an ever-increasing fight for resources and power ensure future warfare will resemble the previous ten years in Iraq and Afghanistan. Moreover, the absolute necessity for close cooperation between both sides of the interagency, painfully learned during Operation Iraqi Freedom (OIF), must permeate doctrine for the foreseeable future. Previously in American history, after fighting a war of limited objectives, such as the Vietnam War (1959–1975), military and civilian professionals refocused the force onto the higher end of the range of military operations, quickly precluding counterinsurgency lessons learned. Today, books by Tom Ricks and Michael Gordon and Bernard Trainor demonstrate the risks associated with continuing this trend.<sup>1</sup>

However, it appears President and Congress perceive a strategic difference between previous and current post conflict operations and may finally be serious about fixing the current imbalance between the military and civilian sides of interagency. By requiring an implementation plan as set forth in section 1107 of the Fiscal Year (FY) 2013 National Defense Authorization Act (NDAA),<sup>3</sup> Congressional leaders recently reinforced the President’s intentions to “update, balance, and integrate the tools of American power”<sup>2</sup> as prescribed in the 2010 National Security Strategy (NSS). These actions could rectify inefficient and ineffective interagency coordination and execution.

Over 300 professionals contributed to a 2008 Project National Security Reform (PNSR) study calling for revolutionary change to our current system of government.<sup>4</sup> While the current interagency imbalance does necessitate fundamental change, the country’s current domestic and economic situation ensures the failure of such drastic measures. On the other hand, a Presidential Executive Order applying portions of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (GNA)<sup>5</sup> to the civilian side of interagency, passing current legislation, and leveraging current interagency initiatives would lead to the emergence of an interagency “operational” level, which

**Major Sean M. Roche is a United States Marine Corps Infantry officer currently serving as a United States Forces-Afghanistan operational planner. This article is based on his USMC School of Advanced Warfighting thesis.**

would facilitate an evolutionary solution to the problem.

## **Argument Against “Goldwater-Nichols II” for Interagency**

The lack of cohesion within interagency operations stems from the system of checks and balances stamped into the DNA of the United States through the Constitution.<sup>6</sup> The dictatorial rule by England, a foreign country an ocean away, caused the founding fathers to institute rules preventing any single governmental component from gaining enough control to upset the balance of power. This system functioned well until upset by the country’s inability to pull itself out of The Great Depression and the military’s actions before and during World War II. Historically, three factors must exist to allow the passage of legislation that alters the founding fathers’ version of checks and balances. Passing such “grand legislation” requires, first, a number of highly visible national embarrassments with similar casualties; second, an intense public outcry for change sparked by those embarrassments, and third, a Congressional champion respected on both sides of the political aisle willing to undertake the difficulties associated with passing such a bill.<sup>7</sup> The GNA perfectly illustrates this process.

In the early 1980s, multiple and very public military debacles occurred in short order, including Operation Eagle Claw (April 1980) and Operation Urgent Fury (1983); however, the death of 231 Marines on October 23, 1983, in Beirut, Lebanon, caused a public uproar. James Locher, in his book *Victory on the Potomac: The Five Year War to Unify the Pentagon*, credits Senator Barry Goldwater’s tenacity throughout the tumultuous, multi-year legislative affair for advancing the Goldwater-Nichols Act into law.<sup>8</sup>

While the Act drastically increased the efficiency of the armed services,<sup>9</sup> it also illustrated the potential for the unintentional second- and third-order effects of revolutionary

legislation. Congressional politicians compelled the military into unilateral employment during pre- and post-hostility operations; previously close cooperation between the military and the civilian side of the interagency characterized these operations. The combination of exponential Department of Defense (DoD) growth and efficiency and civilian organizations often lacking the capacity and/or will to tackle complex pre- and post-hostility operations resulted in the military’s encroachment into areas previously sacrosanct to the civilian side of interagency.

**The combination of exponential DoD growth and efficiency and civilian organizations often lacking the capacity and/or will to tackle complex pre- and post-hostility operations resulted in the military’s encroachment into areas previously sacrosanct to the civilian side of interagency.**

Moreover, by allowing the military autonomous actions, the civilians ultimately relinquished a portion of their charter. The military axiom of “unity of command” ossified onto an area that previously required close civil-military cooperation to ensure success. Whereas, most remember that the military led many of the World War II post-hostility operations, many forget that the education of Army civil affairs officers occurred in strict coordination with college campuses such as the University of Virginia and Harvard.<sup>10</sup> The actions resulting from the events of September 11, 2001, caused understandable difficulties as civilian organizations sought their rightful place within the post-event operations.

America’s increasing involvement in complex operations requires close coordination

among the various agencies comprising the interagency. Yet at home, in the case of Hurricane Katrina, and abroad, with Operations Iraqi and Enduring Freedom (OIF/OEF), coordination efforts were disjointed, unsynchronized, and horribly managed. Independently-planned agency initiatives often contributed to abysmal coordination, which resulted in multiple, duplicative efforts. As a result, civilian partners have played only a minor role in contingency campaign design and execution, which is evoking a strong demand for a revolutionary change to interagency operations.<sup>11</sup>

**America's increasing involvement in complex operations requires close coordination among the various agencies comprising the interagency.**

*Forging a New Shield*, a 2008 PNSR study, represents the culmination of more than two years of work by more than three hundred U.S. national security executives, professionals, and scholars. The report proposes the most far-reaching governmental re-design since the passage of the National Security Act in 1947.<sup>12</sup> A “Goldwater-Nichols II” would go far to resolve many of the current interagency inefficiencies. PNSR dogmatically points to the reinvention of the military after the passage of the GNA as evidence of the possibility for success. Nevertheless, critical aspects that facilitated the passage of GNA into law are different or absent within the current interagency situation.

Analyzing the three factors necessary for the passage of “grand legislation” strengthens the argument for an evolutionary rather than a revolutionary solution to this dilemma. While multiple public debacles have occurred, the country’s preoccupation with current domestic and economic difficulties has stymied a public

outcry for change. Furthermore, political divisiveness diminishes the likelihood of a bipartisan champion, like Senator Goldwater, will advocate such legislation and upset the balance of power.

## **The Solution**

President Barack Obama afforded three pages of the 2010 NSS to the importance of updating, balancing, and integrating all of the tools of American power within a whole-of-government approach; this elucidates the importance his administration places on the subject.<sup>13</sup> Furthermore, Congress demonstrated its seriousness in identifying a solution within the NDAA by requiring that, “not later than 270 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees an implementation plan for achieving the whole-of-government integration vision.<sup>14</sup> Adopting select components of the GNA, passing current legislation, and applying the law to current interagency initiatives would achieve the mandate Congress placed on the President.

The Goldwater-Nichols Act, Title IV, Joint Officer Policies, directs a balanced officer career through education in conjunction with service and joint assignments.<sup>16</sup> Furthermore, it requires officers to attain joint accreditation before they are eligible for promotion to flag officer. Understandably, service members were initially skeptical of this provision.<sup>17</sup> Retired Army Major General Raymond Barrett, the current Deputy Director at the Simons Center for Interagency Cooperation, elucidated this sentiment: “The issue of most concern to me and my peers was the joint duty requirement. I completely bought the institutional argument that there was no time in a normal career path for a rotational assignment away from the Army. Any assignment away from troops was considered wasting time.”<sup>18</sup> When asked if and

when his perceptions changed, Barrett speaks to perceptions gained with time and experience: “My perceptions did change after the Act was made into law, but only over time and as I became more senior. I began to realize that the normal attitude of the Services to optimize their role, capabilities, and even budgets was harmful to national security. It took me about six years to come to this view.”<sup>19</sup> Retired USMC Lieutenant General Paul K. Van Riper remembers the pervasive influence of senior officers on his opinion of GNA: “Because so many senior Marine officers spoke out against it in various meetings and conferences I attended, I was against it.”<sup>21</sup> Nonetheless, a more pragmatic consideration of the topic ensued with his assignment to the directorship of the USMC Command and Staff College allowing him to see the wisdom of the legislation.

Undoubtedly, a similar shift in perception on the civilian side of interagency would have the same influence, but it would only be the first step in achieving balance and integration.

While education would lay the foundation for achieving the President’s vision, the passage of current legislation serves as the necessary next step to solving the problem. Fortuitously, Congressional bipartisan agreement exists within the 112<sup>th</sup> Congress to accomplish this proposal. The Senate and House simultaneously introduced S1268 and HR2314 collectively known as “The Interagency Personnel Rotation Act of 2011.” Both bills drew on HR 6249, “The Interagency National Security Professional Education, Administration, and Development System Act of 2010,” introduced in the 111<sup>th</sup> Congress, but not enacted.<sup>20</sup> However, by mandating interagency personnel rotations in Sect 1107 of the recently passed NDAA Congress has demonstrated their interest in improving the “efficiency and effectiveness” of interagency efforts.

Unquestionably, special interest groups and senior members of each organization will resist

its implementation; nevertheless, the before and after perceptions of GNA by two very senior and successful officers demonstrate the serendipitous nature of change.

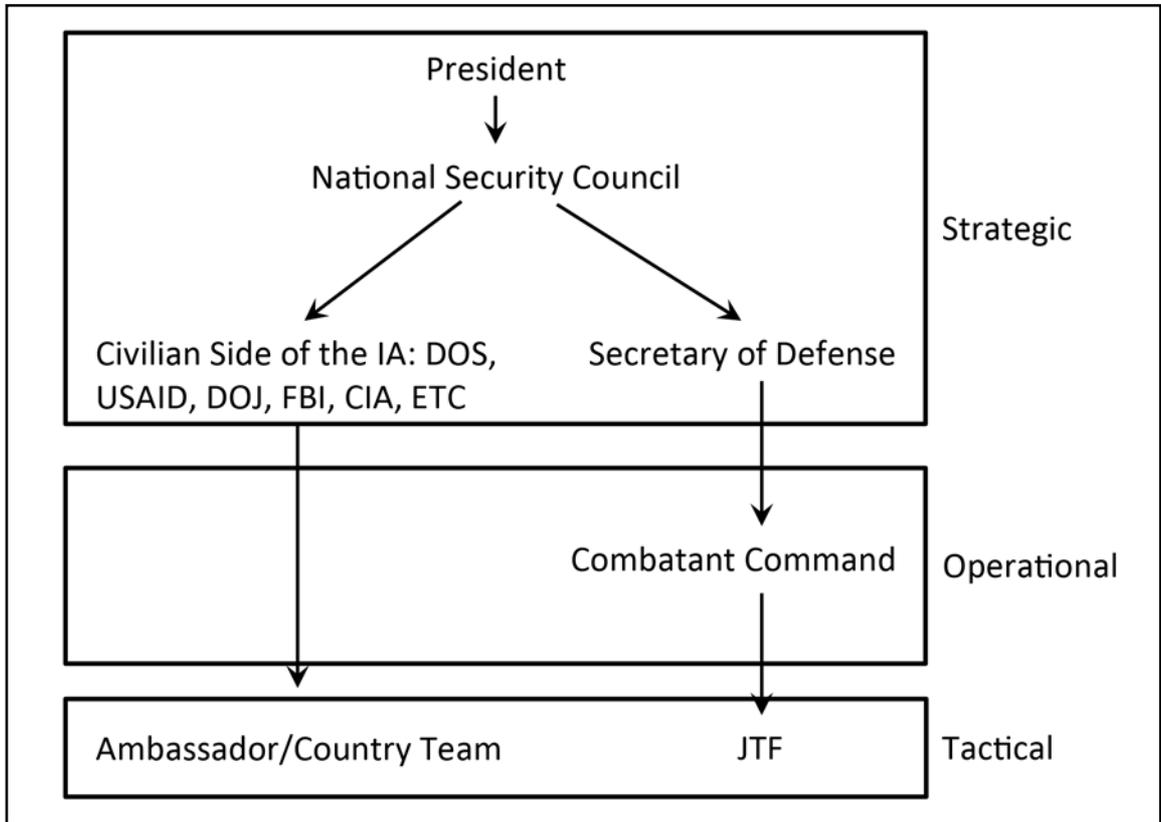
The current Chief of Staff at U.S. Southern Command, Major General Juan Ayala USMC, attests to the difficulties associated with changing institutional perceptions. Understandably,

**...by mandating interagency personnel rotations in Sect 1107 of the recently passed NDAA Congress has demonstrated their interest in improving the “efficiency and effectiveness” of interagency efforts.**

as a young captain he was skeptical of GNA achieving its objectives. Nonetheless, he attributes much of his professional development to “three significant assignments that were either joint or involved working with other services.”<sup>22</sup> Thomas Kune’s book *The Structure of Scientific Revolutions* describes the eventuality of a forced change owing to the inability to explain away anomalies.<sup>23</sup> The experience of each of these senior officers contradicted the accepted wisdom of the day and convinced them of both the importance and inevitability of GNA.

Pervasive problems within interagency actions before, during, and after OIF and Hurricane Katrina combined with continued inefficiencies in OEF necessitate just such a forced change within the interagency system. As the controversy over GNA demonstrated, eventually legislative and executive necessity triumph over internal agency shortsightedness. While the passage of legislation serves as an important part of the process, its enforcement would ensure that educational teachings transition from theory to reality.

Change requires more than just the



**Figure 1. Current Lack of an IA Operational level**

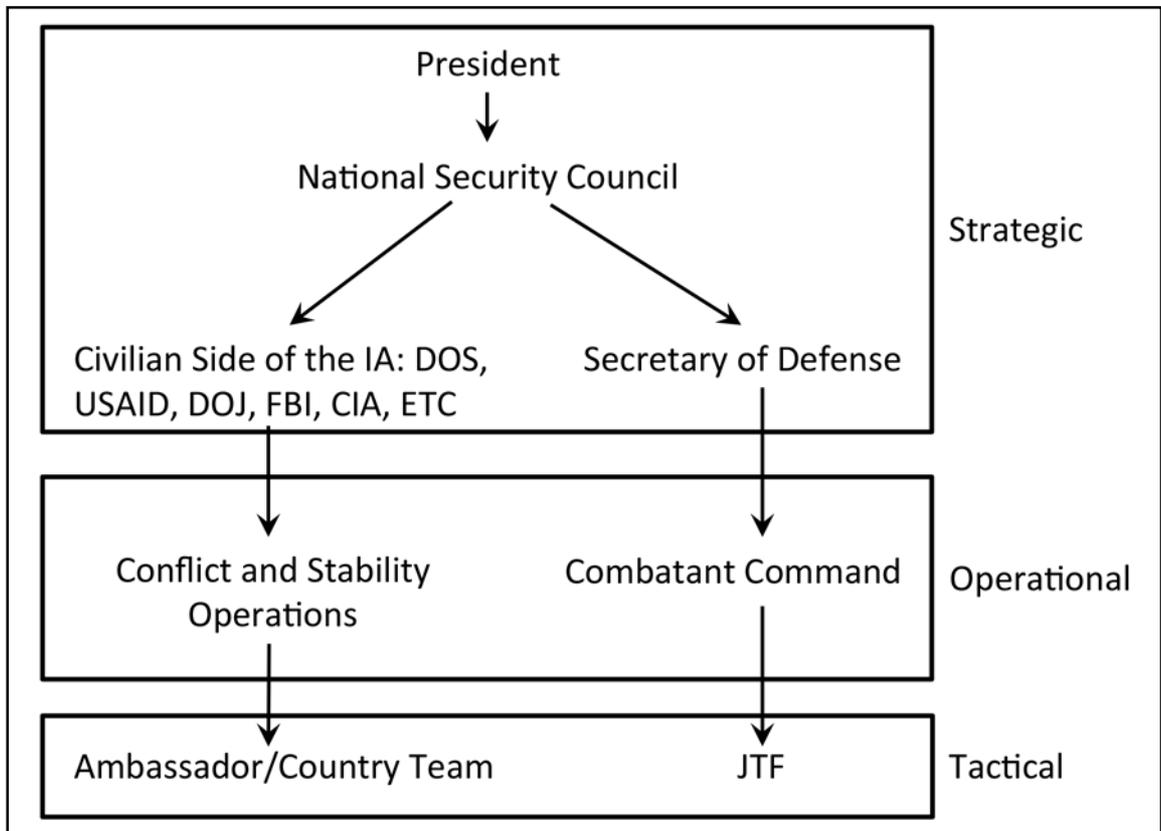
passage and enforcement of interagency personnel rotation; rotational tours must occur at an operational level that does not currently exist (see Figure 1). The DoD identifies the operational level as the location “where campaigns and major operations are planned, conducted, and sustained to achieve strategic objectives within theaters or other operational areas.<sup>24</sup> In other words, interagency personnel at the operational level receive policy or strategic guidance and/or decisions and transition them into actions on the ground.

In military terminology, the reconciliation from the strategic to the tactical is called “operational art,” which occurs within a combatant command (COCOM) headquarters through, “a cognitive approach by commanders and staffs—supported by their skill, knowledge, experience, creativity, and judgment—to develop strategies, campaigns, and operations

to organize and employ military forces by integrating ends, ways, and means.”<sup>25</sup>

The current lack of an interagency operational level adversely affects its ability to transition policy into action. An executive order elevating the Bureau of Conflict and Stabilization Operations (CSO), formerly known as the Office of the Coordinator for Reconstruction and Stabilization (S/CRS), to the National Security Council (NSC) level could resolve this anomaly.

Elevating the CSO to the NSC level would only apply to the implementation of policy decisions; the CSO would not serve as a member of the Presidential decision-making process. However, this move would allow the CSO to accomplish its intended mission of mitigating interagency tension.<sup>27</sup> Hierarchically, CSO would fulfill the interagency’s requirement for a complement to the military’s COCOM (see



**Figure 2. Proposed CSO Location**

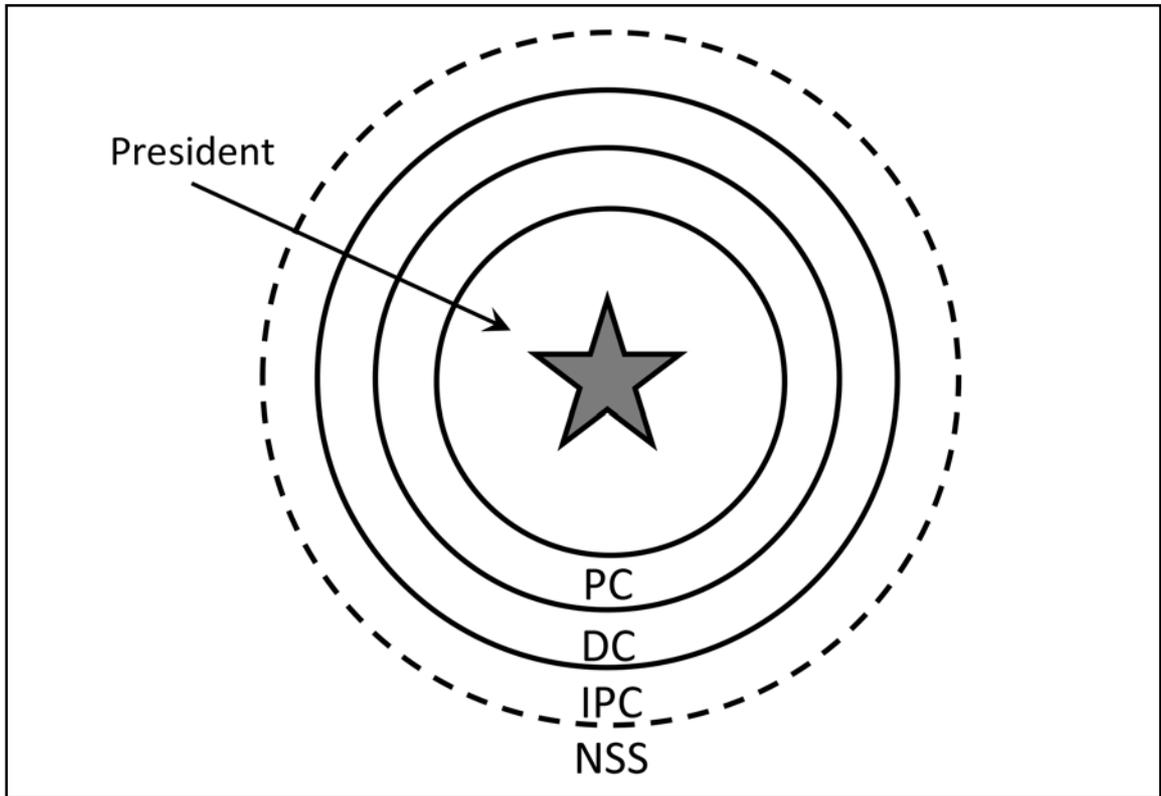
Figure 2).

Understanding how the U.S. government develops, coordinates, and implements domestic and foreign policy reveals why some may view this solution as radical. The NSC<sup>28</sup> chaired by the President includes the Vice President and the Secretaries of State, Energy, and Defense. In addition, the Director of National Intelligence and Chairman of the Joint Chiefs of Staff both provide statutory advice.<sup>29</sup> The NSC facilitates making fully informed decisions relating to the employment and coordination of the various governmental agencies commonly referred to as the interagency. In other words, the NSC is responsible for ensuring interagency synchronization, coordination, and execution. The NSC is responsible for integrating the economic apparatus and employing the military, as well as developing, distributing, and monitoring the implementation of the NSS.<sup>30</sup>

Issuing an executive order affords the President unilateral decision-making authority; however because it runs counter to the national value of checks and balances, it is not the preferred solution. Generally, the President relies on the National Security Staff, led by the National Security Advisor, to reach a solution amenable to each of the impacted agencies.

The National Security Advisor seeks agreement at three distinct governmental levels (see Figure 3, pg. 18). If accord is not attained at the lowest level or the Interagency Policy Committee, the Deputy Committee seeks resolution. If accord remains unattainable, the matter advances to the Principals Committee. Ultimately, the President serves as the final arbitrator.

This decision-making process places many of its members in a paradoxical situation. Each member of the interagency apparatus must



**Figure 3. Presidential Decision Making Process**

carefully balance its organizational interests with its duty to advise the President. Christopher Lamb, a senior research fellow at the Institute for National Strategic Studies, identified the compounding nature of this paradox.<sup>31</sup> In theory, the discourse occurring throughout this process produces thoroughly vetted and agreeable decisions. However, in reality, this problematic process directly attributes to the interagency’s inability to accomplish the resulting policy decisions. The inherent difficulties in reaching agreement using this model also suggest a revolutionary change to the system is needed.

Elevating the CSO and assigning it the responsibility to function as an interagency operational-level entity requires further development and explanation. During steady-state operations, the CSO would provide a vital link, between the Ambassador and the COCOM through identical regional assignments.

However, because of the CSO’s singularity, the COCOMs would transfer ownership of the Joint Interagency Coordination Groups to the CSO. These coordination groups would continue to serve within each of their respective COCOM headquarters markedly improving coordination and synchronization among the varying civilian agencies and the military.

The CSO’s ability to operate as an interagency operational-planning level would also enhance civil-military crisis response actions. Upon assembling the NSC in response to a crisis, the CSO would immediately begin operational planning, anticipating either serving in a supporting or supported role with the affected COCOM. Furthermore, the CSO would resolve the current trend of assigning responsibility, no matter what type of crisis faced, to the DoD. Actions occurring within Phase IV of OIF demonstrate that this does

not always reconcile strategic decisions into tactical actions. Undoubtedly, the CSO would have assisted in ensuring short-term solutions did not cascade into long-term problems.

## Conclusion

While many advocates call for fundamental interagency change in the form of GNA II, the difficulties associated in passing revolutionary legislation compel an evolutionary resolution.

Increased Congressional oversight on the elevated Presidential assignment to resolve inefficient actions could rectify a long-standing problem within the interagency. Adopting portions of the GNA, passing legislation to reinvent the CSO, and enforcing this legislation would lead to the emergence of an operational level for planning and action and provide the interagency, for the first time, the ability to reconcile policy decisions with the necessary action to achieve them. **IAJ**

## NOTES

- 1 See Michael R. Gordon and Bernard E. Trainor, *Cobra II: The Inside Story of the Invasion and Occupation of Iraq*, Vintage, New York, 2006, and Tom Ricks, *Fiasco: The American Military Adventure in Iraq*, Penguin Press, New York, 2006.
- 2 “National Security Strategy,” Office of the President of the United States, Washington, May 2010, p. 14, <[http://www.whitehouse.gov/sites/default/files/rss\\_viewer/national\\_security\\_strategy.pdf](http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf)>, accessed on February 12, 2012.
- 3 “National Defense Authorization Act for Fiscal Year 2012,” pp. 736–738, <[http://www.rules.house.gov/Media/file/PDF\\_112\\_1/legislativetext/HR1540conf.pdf](http://www.rules.house.gov/Media/file/PDF_112_1/legislativetext/HR1540conf.pdf)>, accessed on November 15, 2011.
- 4 “Project National Security Reform: Forging a New Shield,” <[http://pnsr.org/data/files/pnsr\\_forging\\_a\\_new\\_shield\\_report.pdf?bcsi\\_scan\\_90EAAB26298213F0=0&bcsi\\_scan\\_filename=pnsr\\_forging\\_a\\_new\\_shield\\_report.pdf](http://pnsr.org/data/files/pnsr_forging_a_new_shield_report.pdf?bcsi_scan_90EAAB26298213F0=0&bcsi_scan_filename=pnsr_forging_a_new_shield_report.pdf)>, accessed on October 10, 2011.
- 5 “The Goldwater-Nichols Department of Defense Reorganization Act of 1986,” Public Law 99-433, October 1, 1986, Section 100 STAT 1025.
- 6 Richard Zaszewski, U.S. Navy SEAL; Rebecca de Guzman, Interagency Analyst, defense contractor support to the Center for Irregular Warfare and Integration Division; and Major Mason Dula, U.S. Air Force Special Forces, problem solving discussion, December 11, 2011.
- 7 David Trachtenberg, former DoD liaison to the National Security Council, personal interview, October 27, 2011.
- 8 James Locher, III, *Victory on the Potomac: The Goldwater-Nichols Act Unifies the Pentagon*, Texas A&M University Press, College Station, 2004, p. 223.
- 9 Stephen Glain, *State vs. Defense: The Battle to Define America’s Empire*, Crown Publishers, New York, 2011, pp. 254–257.
- 10 Harry L. Coles and Albert K. Weinberg, “Civil Affairs: Soldiers Become Governors,” in Stetson Conn (ed.), *United States Army in World War II, Special Studies*, Center of Military History, United States Army, Washington, 1992, p. 11.

- 11 United States Marine Corps, *Concept for Unified Action Through Civil-Military Interaction*, p. 5, <<http://www.quantico.usmc.mil/activities/?Section=CDI>>, accessed on March 23, 2012.
- 12 “Project National Security Reform: Forging a New Shield,” p. 22.
- 13 “National Security Strategy,” pp. 14–16.
- 14 “National Defense Authorization Act for Fiscal Year 2012,” pp. 736–738.
- 15 Lieutenant Colonel James Vance, USMC (retired), personal email, December 30, 2011.
- 16 Gordon Nathaniel Lederman, *Reorganizing the Joint Chiefs of Staff: The Goldwater-Nichols Act of 1986*, Greenwood Press, Westport, CT, 1999, pp. 106–110.
- 17 Major General Raymond D. Barrett, Jr., USA (retired), personal email, December 30, 2011.
- 18 Ibid.
- 19 Ibid.
- 20 Catherine Dale, *National Security Professionals and Interagency Reform: Proposals, Recent Experience, and Issues for Congress*, Congressional Research Service, Washington, 2011, pp. 25–26.
- 21 Lieutenant General Paul K. Van Riper, USMC (retired), personal email, January 6, 2012.
- 22 Major General Juan G. Ayala, USMC, personal email, January 11, 2012.
- 23 Thomas S. Kuhn, *The Structure of Scientific Revolutions*, 3rd ed., University of Chicago Press, Chicago, 1996, pp. 40–41 and 109–111 and p. 139.
- 24 Joint Publication 3-0, *Joint Operations*, Joint Chiefs of Staff, August 11, 2011, p. GL-14, <[http://www.dtic.mil/doctrine/new\\_pubs/jp3\\_0.pdf](http://www.dtic.mil/doctrine/new_pubs/jp3_0.pdf)>, accessed on October 15, 2011.
- 25 Ibid.
- 26 “National Security Presidential Directive-44,” <<http://www.fas.org/irp/offdocs/nspd/nspd-44.html>>, accessed on September 29, 2011.
- 27 “The Future of S/CRS—What’s in a Name?” Stability Operations archives, <<http://web.peaceops.com/archives/1259>>, accessed on November 13, 2011.
- 28 Alan G. Whittaker, Shannon A. Brown, Fredrick C. Smith, and Elizabeth McKune, *The National Security Policy Process: The National Security Council and Interagency System*, National Defense University Press, Washington, 2011, p. 5.
- 29 Ibid., p. 12.
- 30 National Security Council, The White House, <<http://www.whitehouse.gov/administration/eop/nsc>>, accessed on September 29, 2011.
- 31 Christopher Lamb, “Redesigning White House and Interagency Structures,” in Hans Binnendijk and Patrick M. Cronin (eds.), *Civilian Surge*, National Defense University, Center for Technology and National Security Policy, Washington, 2009, p. 36.