

GOLDWATER- NICHOLS

Fighting the Decisive Battle

By JAMES L. LOCHER III

A decisive battle in American military history began on the morning of February 4, 1986. It was not a conflict of arms, but a momentous clash of ideas and interests in a Senate hearing room. The adversaries were not armed with weapons, but with concepts, statutes, and amendments. This battle

did not directly threaten anyone's life, but its outcome—depending on whether deeply entrenched, outmoded traditions and practices were reformed or sustained—could save or cost untold lives of American soldiers, sailors, marines, and airmen.

Strongly Worded Letters

At 9 a.m. that day, the Senate Armed Services Committee (SASC) initiated its long awaited markup of a 56-page defense reorganization bill. Earlier in the morning, the Pentagon delivered

James L. Locher III has served as Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and as a professional staff member on the Senate Committee on Armed Services.

eight letters to the committee, one each from Admiral William Crowe, Chairman of the Joint Chiefs of Staff, along with the three service secretaries and the four service chiefs. The letter from Crowe was reasonably argued, like the one received the night before from Secretary of Defense Caspar Weinberger after Senators Barry Goldwater and Sam Nunn met with the Joint Chiefs of Staff. The letters from the seven service officials were quarrelsome and contentious. Perhaps seeking to neutralize Goldwater and Nunn's strong defense credentials, they all took the line that the bill reflected only the views of headstrong staff and not those of the SASC leadership.

Navy Secretary John Lehman's letter ranked as the most bellicose. "I am surprised and disappointed that the serious effort that the service secretaries and the service chiefs devoted to your

Lehman added that strengthening unified commanders "would make a hash of our defense structure"

hearings seems to have largely been ignored in the staff effort," he complained. After lauding Weinberger's management changes, Lehman wrote that the staff bill "charts a return to the discredited philosophy that led to the overcentralized bureaucracy we inherited in 1981."¹ Given the importance of the votes of the committee's nine Democrats, that slap at the Carter administration was ill considered.

Lehman added that the draft bill's proposed strengthening of the unified commanders "would make a hash of our defense structure." Five other service letters also strongly criticized increasing the authority of unified commanders. Only the Air Force Chief, General Richard Gabriel, did not object to those provisions. By attacking reforms that were supported by overwhelming evidence and a sizable majority of the committee, service officials undermined their credibility.

According to the Navy Secretary, the staff draft would "make the offices

of the service secretary and service chief essentially ceremonial. In place of the former would be five CINC pro-consuls freed from civilian control; and in place of the latter, one single voice (with deputy) to provide military advice to the President, National Security Council, Secretary of Defense, and Congress."

Lehman concluded by urging the committee members "to reject the staff draft, and consider true reform as recommended to you by Secretary Weinberger last year. We need less bureaucracy, not more; fewer bureaucratic layers, not more; less congressional micromanagement, not more; and more decentralization and accountability rather than a return to the 'whiz-kid' theories contained in your staff draft."

The Marine Commandant's letter matched Lehman's tough language. General P.X. Kelley repeated much of what he had told Goldwater and Nunn the night before, including: "If the 'draft bill' were to be enacted in its current form it would result in a significant degradation in the efficiency and effectiveness of the defense establishment—to the point where I would have deep concerns for the future security of the United States. In this regard, I know of no document which has concerned me more in my 36 years of uniformed service to my country."²

General Kelley said that he "was extremely disappointed by the obvious lack of balance and objectivity [in] the 645-page staff report." He accused the authors of the staff-drafted bill of having "been unfaithful to your [Goldwater and Nunn's] direction and [having] placed more emphasis on their own preconceived opinions than on 'consensus views.'" The Commandant complained that "The 'draft bill' virtually destroys the corporate nature of the Joint Chiefs of Staff" and attacked General David Jones by observing: "I know of only one former Chairman who would support this chapter of the 'draft bill' as written, and his views must be carefully weighed against his performance while in office." He added that his own "views on the Vice Chairman being senior to the [service chiefs] are a matter of record: I am

strenuously opposed! Moreover, the Joint Staff is currently a viable and efficient organization. I implore your indulgence to keep it that way."

Kelley castigated the proposed strengthening of the unified commanders, arguing: "In my professional view, this chapter of the 'draft bill' would create chaos between the duties and responsibilities of the service chiefs and those of CINCs. It provides a complex, unworkable solution to an ill-defined problem. This is an exceptionally dangerous chapter, one which has resulted from little, if any, dialog. It will create more disharmony than jointness. Of the draft bill's changes to military department statutes, Kelley wrote, "My opinion is that these proposals are alien to good logic and common sense, and the only 'consensus' is among the drafters themselves!"

After noting that his comments did not represent all of his concerns, the commandant concluded, "I strongly urge you to consider additional hearings to achieve conscious addressal of these vital issues."

The Chief of Naval Operations, Admiral James Watkins, wrote: "I believe our Nation would surely be standing in shoal water, with severe damage predictable, if we were to follow the course charted for us in the current draft bill now before your committee. In short, I consider the bill as drafted to be terribly flawed and certainly not in the best interests of national security."³

The letters from the Army and Air Force Secretaries and Chiefs of Staff were also critical, but they were less strident.

An Evolutionary Trend

All 19 SASC members were present for the decisive battle's opening moments. Ideologically, the committee tilted heavily to the political right. All Republicans were conservatives, except for William Cohen, who was a moderate. Greater diversity was found on the Democratic side, where four conservatives outnumbered liberals by only one, and two moderates, Jeff Bingaman and Alan Dixon, occupied the pivotal middle ground.

This may be the last piece of legislation that I will have the honor to offer for consideration by the Senate. If it is, I will have no regrets. I will have had the privilege of serving in the Senate on . . . the day that our soldiers, sailors, airmen, and marines were given the organizational and command arrangements that will enable them to effectively accomplish their vital missions. . . .

—Barry M. Goldwater
September 16, 1986

Barry M. Goldwater represented Arizona in the Senate for 30 years. A major general in the U.S. Air Force Reserve, he was the Republican Presidential candidate in 1964 and served as chairman of the Senate Armed Services Committee during the debates on defense reorganization.



[This bill] fulfills the aims of President Eisenhower, who said almost three decades ago, "Separate ground, sea, and air warfare are gone forever. . . . Strategic and tactical planning must be completely unified, combat forces organized into unified commands. . . ." Congress rejected President Eisenhower's appeals in the 1950s. Today, 36 years later, we can now report: mission accomplished.

—Bill Nichols
September 11, 1986

Bill Nichols, a Democrat from Alabama's 3rd district, died while serving his eleventh term in Congress. A combat veteran of World War II, he chaired the Investigations Subcommittee of the House Armed Services Committee during its 1983–86 work on military reform.



Reorganization was unlikely to be sorted out on the basis of ideology. The strength of the Senators' connections to various services and their party affiliation would play more significant roles. Thirteen members had served in the military: four in the Army, two in the Air Force, three in the Navy, and four in the Marines. Some members attached little importance to these previous relationships while others maintained strong ties. Still others maintained close connections with the services for entirely different reasons. For example, John Stennis tilted toward the Navy because the Pascagoula Shipyard ranked as Mississippi's largest employer. Party affiliation prompted some Republican Senators to defend the administration and Pentagon.

As the markup session began, Goldwater set the historical context: "The committee's action continues an evolutionary trend that began shortly after the Spanish-American War." He also established a constitutional context, calling the work "a solemn responsibility assigned by the Constitution to the Congress." He added, "We have neglected this important responsibility for too long. Many of the problems that we now seek to solve have been evident for decades." The chairman then urged the committee to "rise above narrow interests and emphasize genuine national security interests. This has been a problem for the Congress in the past. Narrow interests with strong constituencies have blocked or weakened necessary reforms."⁴

Goldwater announced that "the committee will conduct the markup in a deliberate and comprehensive manner. . . . We want to hear all points of view and carefully consider all aspects of these important decisions. We must exercise caution in mandating changes in the U.S. military establishment. At the same time, we must not shy away from correcting clearly identified deficiencies and from fulfilling our constitutional responsibilities."

The chairman added: "I'd like to make one personal point. I know that some senior Pentagon officials have been opposing what I am trying to do by telling Senators that this is not my initiative. Instead, I am supposed to just be going along with the staff and

Senator Nunn and colleagues.



Courtesy of Special Collections, NDU Library

other Senators. Frankly, these lies make me mad as hell! I have been deeply involved in this project from the outset. I have read every word of the staff report and the bill. I have attended every hearing, except when I had to be in Arizona. So I know these issues and I want to fix these problems."

In his opening statement, Nunn noted, "We have had nearly forty years of experience with the current arrangements. We have seen these arrangements in action and have many concrete examples of their shortcomings." Referencing SASC's extensive reorganization work, Nunn said, "I do not know of any other set of issues since I joined the committee over thirteen years ago that the committee has been better prepared to address."⁵

Following the two leaders' presentations, each member made an opening statement outlining his starting position. These statements and readings from the Pentagon letters consumed the morning. By noon it was clear that SASC was bitterly divided.

The morning also featured a squabble over whether the committee would conduct the markup in open or closed sessions. Antireformers wanted the sessions open to the public, believing that the committee would be more cautious under the Pentagon's glare. Goldwater and Nunn knew the importance of proceeding in closed sessions and gained approval for doing so. Their arguments centered on the need to discuss classified information, which would happen seldom, if ever, during consideration of this bill.

Just before the end of the morning session, a message from Ben Schemmer, editor of *Armed Forces Journal*, informed Gerry Smith of Goldwater's staff that the Navy had established a "crisis management center on DOD reorganization." Schemmer also provided the center's telephone number.⁶ The center's purported mission was to defeat the legislation, an activity of questionable legality. With mischief in his eye, Goldwater grabbed Smith and me and said, "Let's find out what this is all about."

Back in his office, Goldwater said, "I'm going to call this office and see what the Navy's up to." Smith offered to place the call, but the Senator insisted on dialing it. When his call was answered, Smith and I saw a Goldwater we had never seen before: an actor. Disguising his voice, Goldwater asked the secretary who answered, "Is this the Navy office that is working to defeat the reorganization legislation?" When she said, "Yes," he inquired who worked there. She answered, "Captain Cohen, and there is a Lieutenant Colonel Dole, and a Major Robert Roach."⁷ Goldwater repeated the names as he wrote them down.

Goldwater said he wanted to help and asked if she had an assignment for him. She said she did not have one at the moment, but if he would leave his name and number, the office would get right back to him.

Goldwater said he would have to call back later and thanked her. As he hung up, the Senator said, "Can you believe that? They're not supposed to lobby Congress on legislation. I can't wait to tell the committee." At the start of the afternoon session, the chairman took great delight in recounting his telephone call.

After the committee adopted the draft bill as the basis for amendment, Goldwater asked me to give an overview briefing. This led to what the chairman called "a good discussion of a number of broad issues" that consumed the entire afternoon.⁸

Death by Amendment

The following afternoon, Goldwater, sensing that work on the bill would be highly confrontational and time-consuming, decided he did not want other SASC sessions competing with the markup: "I am reaffirming, after consulting with Senator Nunn, my direction that no other full com-

military and veterans associations were bombarding Goldwater with letters objecting to the bill

mittee or subcommittee hearings be scheduled until we finish this markup." Goldwater also noted that it might not be possible to finish in three days: "We will continue the markups mornings and afternoons every day if it takes one week, two weeks, or three weeks to finish." He also conveyed his determination: "I want everyone in this room to understand that I will not be deflected or sidetracked in this effort even if I get a letter a day from everyone in the Pentagon."

In a campaign organized by the Pentagon, military and veterans associations such as the Reserve Officers Association and National Guard Association were bombarding Goldwater with letters objecting to the bill. The chairman fired off a tough response to each letter and set up a meeting for me to brief the associations.

Goldwater and Nunn had decided to address unified command reforms first because there was wider support for them. When Goldwater opened the floor for the consideration of changes,

John Warner presented a package of thirteen amendments. The third-ranking Republican had accepted the role of opposition leader. Although he had tried to stay out of the reorganization battle as long as possible, the pressure to take the lead eventually became overwhelming. The pressure came from his status as a former Navy Secretary, former marine, and Senator from Virginia, a state with a powerful Navy lobby. Nevertheless, Warner appeared uncomfortable with the intellectual arguments of the antireform coalition. Nunn later said, "Warner always was concerned, I think, in his heart of hearts, that he wasn't on the right track basically taking the Navy's line."⁹ Nevertheless, the Virginia Senator threw himself full force into the role of opposition leader.

As the committee considered Warner's amendments, my role was to assess the impact of each and begin a discussion of its advantages and disadvantages. I also offered recommendations as to what action the committee should take. I made every effort to perform these tasks objectively and to assist Warner with the presentation of his amendments. Some amendments or portions thereof had positive aspects that I recommended be adopted, such as clarifying how aspects of administration and support would be identified for inclusion under a unified commander's authority. But many of Warner's amendments would have weakened reform. Lengthy discussion of each amendment by the members clearly indicated to Warner that he would not be able to have his reform-weakening amendments adopted, so he did not force a vote on the first day. The approach of deliberately talking through each issue became the norm for the markup. By the end of the afternoon session, however, we had finished only about half of the package laid down by Warner, and it was clear that he had many more amendments.

The afternoon's developments displeased Goldwater. It was clear that the committee would never finish in three days, as he had hoped. The chairman

also feared that the bill might face “death by amendment.” He did not want to cut off debate, but he worried about how seemingly unending amendments might affect prospects for completing committee action. Goldwater asked me to consider how he might put some pressure on the committee’s reorganization opponents and the Pentagon, which many believed was aiding Warner and his allies. Goldwater did not want to play an excessively heavy hand; he was looking for firm but not drastic responses that would create pressure and, equally important, demonstrate that he was serious.

I created a menu of SASC activities that the chairman could hold in abeyance while the markup sessions were still under way: no consideration of nominations for senior defense civilian and military positions, no consideration of promotions for military officers, no approval of reprogramming of monies from one defense budget account to another, no consideration of a supplemental authorization bill, and no approval for the Navy to begin expending funds for its Strategic Homeporting Initiative. Goldwater especially liked holding up the Navy’s project, which he called “strategic homeporting.”

As the chairman read down my list, a hint of a smile emerged. I had expected him to choose one or two. He looked up and said, “If Senator Nunn has no objection, do them all.” Goldwater wanted to close down the committee while it was considering the reorganization bill. He did not want another piece of paper to move.

The next morning, Goldwater announced his actions to the committee and indicated that these prohibitions would remain in place at least until the committee had completed its work on the reorganization bill. If he sensed that obstacles—like a filibuster—might be employed in an effort to prevent the Senate’s timely consideration of the bill, Goldwater said he might have to leave the prohibitions in place until the Senate had completed action on the bill.

The feisty chairman also announced that he was prepared to dedicate the entire year to working on reorganization. If this required the



Caspar Weinberger
with his service
secretaries.

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committee to forgo its traditional defense authorization bill, this would, in Goldwater’s view, be an acceptable price for enacting critical Pentagon reform. Goldwater made clear that he and Nunn were prepared to hear and debate every argument in an effort to prevent the committee from making decisions on emotional and superficial bases like those that had dominated congressional action on defense organization in the 1940s and 1950s.

Later that morning, Warner forced a vote on one of his key amendments: to have acting JCS chairmanship in the chairman’s absence rotate among the service chiefs rather than be performed by a newly created vice chairman. Fifteen Senators were present for the vote, which Goldwater and Nunn won by a margin of ten to five, with Strom Thurmond providing the vital tenth vote. I told Goldwater that the four absent Senators, who would have until 5 p.m. to record their votes, would likely vote with opponents. This would narrow the victory margin to one vote. Goldwater wanted a bigger margin for this first crucial vote. He was determined to secure a favorable vote from one of the four.

With the list of absent Senators in hand, Goldwater and I headed for his office. By the time we arrived, the chairman had decided to target the lightly regarded Dan Quayle. He placed a telephone call to a surprised Quayle and said that he wanted his vote. Goldwater played political hardball, warning that if the Indiana Senator failed to support him he would first take the chairmanship of the Defense Acquisition Policy Subcommittee away from him. Then he would get him kicked off the Armed Services Committee. And then he would work for his defeat in the next election. When he finished, Goldwater put down the receiver and said with a smile of satisfaction, “Quayle’s voting with us.”

When the committee convened that afternoon, however, Quayle’s military legislative assistant, Henry Sokolski, approached me and said, “Senator Quayle wants to change his vote.”

I directed him to speak to Goldwater, who responded, “I have personally spoken with Senator Quayle, and I will not change his vote unless we speak again.” As Goldwater anticipated, the day ended without any further word from the Indiana Senator. Although the pro-reform side won the

first vote eleven to seven, Goldwater's power play backfired: it increased the tension between the sides and caused opponents to regroup. Normally, the chairman and ranking minority member would vote proxies from their party colleagues. However, because both Goldwater and Nunn were on the same side, antireform Republicans and Democrats collected their proxies and decided who would vote them.

Open Minds and Markup

Goldwater and Nunn's commitment to a patient, fair, everyone-gets-to-be-heard process provided the first important step in creating a high-quality dialogue on the bill. When Warner, a sincere and considerate gentleman, matched the two leaders' tone, the ingredients for a productive examination of the bill were present. Neither side lessened the intensity of its convictions, but after the initial trying days, a high degree of collegiality emerged. If a member asked for more research, opinion of a Pentagon official or officer, a briefing, or examination of additional options, Goldwater and Nunn made sure that the request was honored. Warner later commented, "At no time did the distinguished chairman or ranking minority member deny me any privilege under the procedures of the committee to make known my views and the views of those Senators working with me." Carl Levin observed that Goldwater "chaired the committee in a nonpartisan way; he has done it in the fairest way I have ever seen the chairman conduct the committee."¹⁰

Warner also won admiration for the way he led the opposition. He thoroughly challenged every idea and ensured that the Pentagon's perspective on each issue was well represented, but he was not intransigent. Christopher Mellon, Cohen's staffer, later said: "One thing about Senator Warner that I always admired . . . is that he maintained an open mind. He was willing to change his point of view based on new evidence and information. Senator Warner might go into something with a great deal of conviction on one side and argue furiously,

and yet as new information would come to light, he always listened."¹¹

In the lengthy debate of amendments and rewriting of bill provisions, Cohen and Levin emerged as Goldwater and Nunn's lieutenants. Both were brilliant and articulate lawyers, and they made insightful, thoughtful contributions. They also helped to shoulder the burden of defending and strengthening the bill.

At the end of the first week of markup, Congress recessed for a week. When committee activity resumed, the tactics and battle lines were unchanged. Activity focused on the stack of amendments that Warner offered on each bill chapter. Warner's and Jeremiah Denton's military legislative assistants, Colonel Romee "Les" Brownlee, USA (Ret.), and Allan Cameron, respectively, were preparing Warner's amendments. While Rick Finn, Gerry Smith, and I were burning the midnight oil to defend the bill, Brownlee and Cameron

if opponents could not defeat the bill in committee, they would set their sights on the Senate floor

worked late each night preparing amendments to attack it. Many staffers were convinced that the Navy was helping Brownlee and Cameron, a charge they denied. Arnold Punaro later commented: "There's absolutely no question that the Navy helped them. With their limited resources and lack of access to legislative counsel, who were helping Goldwater and Nunn, there's no way they could put that material together."¹²

Other members offered written amendments as well, but theirs totaled 27 compared to Warner's 53 amendments. The committee debated each of Warner's amendments in exhausting detail. Warner forced only three roll-call votes, each of which he lost.¹³

As Thurmond's steadfastness to Goldwater and reorganization became clear, the opposition set a new goal. If the opponents could not defeat the bill in committee, they would set their sights on overturning it on the Senate floor. A one-vote margin in committee would serve as the springboard for

convincing the full Senate that this legislation was ill-considered. To antireform Senators and their supporters in the Pentagon and elsewhere, it was imperative that they maintain nine votes in opposition. "Ten to nine" became the opponents' rallying cry, like "fifty-four forty or fight" more than a century before.

Punaro, a Marine Reserve colonel, had to withstand withering antireform pressure from active and retired marines, but he returned fire. After every markup session, he took the long way back to his office just so he could let the antireform officers in the Navy-Marine Corps legislative liaison office know that the pro-reform faction still had the upper hand on the committee. The officers responded with the "ten to nine" slogan and told Punaro to wait until the full Senate got its hands on the committee's bill.¹⁴

Although the solidarity of Goldwater and Nunn's ten votes convinced opponents that SASC would report a bill, antireform Senators were determined to make every effort to shape it more to their liking. The committee continued a detailed debate of each provision, addressing a staggering total of 140 written and oral amendments—nearly twice the average number of amendments during committee markup of a defense authorization bill.

In chairing the markup sessions, Goldwater continued to demonstrate that he would patiently allow each idea to be debated as long as needed. But he also signaled that he would not tolerate delaying tactics or other mischief. Symbolic of his preparedness to deal sharply with any disruptions was a small wooden rifle that he kept close at hand. My secretary, Barbara Brown, had given him the rubber-band shooter. Goldwater called it his anti-amendment weapon, or AAW. He kept it loaded at all times and more often than not held it in his hands. Although he was tempted to fire it often, he only shot it once, when staff director Jim McGovern came into the hearing room to speak with him after a session. The chairman fired a rubber band at McGovern's crotch. "Didn't hit anything," the staff director responded.



Joint Chiefs of Staff,
December 1986.

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Goldwater, known for a ribald sense of humor, replied "Target too small."

Goldwater and Nunn's decision to ensure a full debate turned out to be critical. Proreform arguments proved more persuasive, and the debate slowly strengthened the position of reform proponents. It was clear that many opponents were finding the Pentagon's logic superficial and indefensible, even though not a single vote had yet changed sides.

Goldwater and Nunn decided when to offer compromises, including those on the two extreme recommendations in the draft bill: mission-oriented under secretaries and the merger of the two headquarters staffs in the military departments. These offers were well timed. Bargains were

reached, and both sides were delighted. The opponents were relieved to have beaten back an extreme provision; Goldwater and Nunn were pleased to have their desired outcome endorsed by the entire committee.

Gaining Momentum

As the markup entered its third week, Goldwater and Nunn began slowly to pick up support in the debate. Phil Gramm was the first member to switch sides. But soon after, another Senator joined the proreform camp. When thirteen or fourteen Senators were on board, the opposition began to collapse.

Looking back at the committee's work, Mellon said: "It was an example of good government. It is the memory I would like to have of the Senate. There weren't parochial motives that I

was able to discern. Members were motivated by national security considerations. People were dedicated; everybody was engaged; they were working with a great deal of vigor, energy, and commitment. Issues were decided on the merits and substance. It was the kind of experience that makes you want to go into government and be involved and participate."¹⁵

Although the committee was nearing the completion of its deliberations, Goldwater and Nunn slowed the pace to permit it to hear firsthand from the Packard Commission on February 28, the day the commission was slated to deliver its interim report to the President. During the meeting, Packard said that "the portions of the commission's report dealing with defense organization and the committee's bill are consistent and mutually supportive." The interim report

dropped all mention of the Vice Chairman's seniority. On the issue of who should serve as acting Chairman, the report recommended, "The Secretary of Defense, subject to the direction of the President, should determine procedures under which an acting Chairman is designated." Goldwater and Nunn's press statement announced: "We are absolutely delighted with the report that the Packard Commission submitted today to President Reagan."¹⁶ The meeting with the commission did not produce any new ideas, but it reassured certain members and added to the rationale others could cite for their emerging proreform positions.

At the next SASC session, held on March 4, Warner offered an amendment to conform the provision on the Vice Chairman to the Packard Commission's language. The amendment—on a priority issue for the Pentagon—was defeated twelve to four, with only John Warner, John East, Pete Wilson, and Jeremiah Denton voting in favor.¹⁷ The vote confirmed what the debate had signaled earlier: only a handful of Senators continued to oppose key reorganization provisions.

The Navy was outraged when it became clear that its supporters in the committee had been defeated on reorganization. Navy leaders blamed Warner, Wilson, and Denton, the three Senators who had spearheaded the opposition, referring to them as the "three stooges." The criticism was self-serving and grossly unfair. The bill's opponents had put up a vigorous fight. Unfortunately for antireformers, much of the ammunition the Pentagon supplied had been duds.

The rigorous challenge to the draft bill carried important benefits. It forced the members to debate every word of the lengthy bill, question every idea, and examine every issue. This process strengthened the bill and achieved consensus. Mellon compared it to forging a sword: "Warner and the Navy were the hammer, and Goldwater, Nunn, and the staff were the anvil. Warner kept firing in these amendments and concerns and objections to provisions. In a way, they helped to strengthen, sharpen, and harden some of the provisions and forged the bill in a hotter fire."¹⁸

The committee accepted about 60 percent of Warner's amendments in some form, many after significant modification.¹⁹ None of the amendments that passed altered the basic thrust of the bill. Instead, they provided useful clarification, especially of roles and relationships, or provided safeguards governing the exercise of new authority. One major initiative by Warner required the President to submit an annual national security strategy report to Congress.

The Final Vote

On the night before the markup's last day, Finn, Smith, Punaro, and I speculated about the final vote on the bill. Fifteen votes in favor seemed certain, but would there be more? I predicted a vote of seventeen to two, with Stennis and Denton casting the nays.

The committee met on March 6 to conclude its work on the bill. Everyone present understood the historic significance of the coming vote. Goldwater did not rush this golden moment. He allowed the drama to build and for everyone to savor the committee's achievement at the end of a hard-fought battle. Finally, time for the last roll call came.

In line with practice, Chief Clerk Chris Cowart called the roll of the majority party first, starting with the most senior member after the chairman. It was fitting that Thurmond, who had represented the pivotal vote in the early going, cast the first aye. Warner voted yes next, then Gordon Humphrey, then Cohen, and all other Republicans, except for Denton, who passed.

Allan Cameron, Denton's military legislative assistant, assessed the final vote in a memorandum for the Senator. Cameron himself opposed the bill, arguing that it "reverses nearly 200 years of American military history" and earlier legislation that had "concluded that a single military adviser was unwise and that the military advice in a democracy should be provided by a corporate body."²⁰

Based on input "from the staff members of the Senators most likely to

vote no," Cameron predicted the outcome as follows:

Warner: Will vote yes because he believes that the JCS compromise requires it and because he believes that the bill has been sufficiently improved.

Humphrey: Will probably vote yes for reasons of comity, although he is not happy with the bill.

Quayle: Will probably vote yes.

Wilson: Will vote yes. Believes the issue is politically sensitive for him, that "the train on defense reform has already left the station," and that he cannot afford to vote against "reform" in the context of California politics and his reelection campaign in 1988.

Gramm: Unknown, but apparently feels some pressure to vote yes for reasons of committee comity and relations with the Chairman.

Stennis: Probably will vote no because he believes the whole idea of JCS reform is bad; Stennis went through the [same] wars on the earlier occasions.

John Glenn: Unknown, but much pressure to vote yes because of changes to the bill and the political realities of Ohio.

Cameron's memorandum summarized the situation: "I suspect a maximum of three or four no votes, assuming you vote no. I certainly believe that someone should vote no, but I would not recommend that you or any other Senator do so alone." As Cowart began to call the roll of Democrats, Denton's decision to vote yes or no depended on Stennis's vote.

On the Democratic side, Nunn led off with his vote in favor. Stennis was next. He began by explaining the vote he was about to cast. He revealed that Goldwater had asked to meet the night before and that they discussed the fundamental issues at stake. "I reiterated that it was an extremely important vote for the future of the Armed Forces," Goldwater later recalled. "I told him I was not speaking that way because of my background, but because of what I've learned here and what I see."²¹ Goldwater's final attempt to bring his longtime colleague on board succeeded. Stennis voted in favor. All the other Democrats also voted in the affirmative.

The clerk then asked the chairman for his vote; Goldwater proudly said, "Aye."

Only Denton's vote remained to be recorded. When the clerk returned to him, he voted in favor. His positive vote indicated prudence, not that he supported the bill. Nevertheless, when Cowart announced the tally, the com-

news of the committee's historic unanimous vote was extensively reported in the print media

mittee had approved the bill by an astounding vote of nineteen to none.

News of the committee's historic unanimous vote was extensively reported in the print media the next day. The same newspaper editions carried a belated ill-informed attack against the legislation by syndicated columnists Rowland Evans and Robert Novak. They had accepted wholesale the superficial arguments of the Pentagon's reform opponents. The two columnists sought to characterize reorganization as "an attempt by serious Democratic politicians to regain military respectability through reform" and a "final victory for McNamara's Whiz Kids, the super-bureaucrats, against the uniformed professional military."²²

Since I was the only former "whiz kid" on the committee staff, little doubt existed that Evans and Novak were shooting at me. The morning after the nineteen to zero vote, Evans and Novak looked foolish, claiming that "Goldwater followed the lead of Senator Sam Nunn, the committee's senior Democrat, and has been joined on key votes by only one other Republican, Senator William Cohen of Maine." Had this attack appeared several weeks before it might have gathered some attention. Instead, it was merely an embarrassment to its authors.

Goldwater and Nunn had done it. In fourteen months of hard work, they had broken the military service stranglehold and had forged new organizational concepts for the Department of

Defense. Many concepts were original—such as those strengthening the increasingly important, but long neglected, warfighting commands. Not only were Goldwater and Nunn able to gain approval of a comprehensive reform bill; they also achieved all of their desired reforms. The strategy of starting the process with extreme recommendations had succeeded in avoiding the watered-down results they feared. Overcoming the odds against them, Goldwater and Nunn produced a consensus on the entire spectrum of defense organization concepts, an agreement never before achieved during the Nation's history.

Only later did I learn that after the committee's final vote, Punaro made his normal trek to the Navy-Marine liaison office. "Well fellas, you got your 'ten to nine' vote," he told them. "Ten Republicans for defense reorganization and nine Democrats for defense reorganization."²³

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NOTES

¹ John Lehman, letter to Barry Goldwater, Senate Armed Services Committee, February 4, 1986.

² Paul X. Kelley, letter to Barry Goldwater, February 4, 1986.

³ James Watkins, letter to Barry Goldwater, February 4, 1986.

⁴ "Opening Statement by Senator Barry Goldwater, Chairman, Committee on Armed Services, for the Markup Session on the Legislative Proposal on Defense Reorganization, February 4, 1986," Senate Armed Services Committee.

⁵ "Opening Statement by Senator Sam Nunn, Ranking Minority Member, Committee on Armed Services, for the Markup Session on the Legislative Proposal on Defense Reorganization, February 4, 1986," Senate Armed Services Committee.

⁶ Gerald J. Smith, author interview, May 1994.

⁷ Michael Ganley, "How's That Again? You're Opposed to What?" *Armed Forces Journal*, vol. 123, no. 9 (March 1986), p. 18.

⁸ "Opening Statement by Senator Barry Goldwater, Chairman, Committee on Armed Services, for the Markup Session on the Legislative Proposal on Defense Reorganization, February 5, 1986," Senate Armed Services Committee.

⁹ Sam Nunn, oral history, September 9, 1996.

¹⁰ U.S. Congress, Senate, Senator John Warner of Virginia speaking on the Department of Defense Reorganization Act of 1986, S. 2295, 99th Cong., 2^d sess., *Congressional Record* (May 7, 1986), p. 5481; Senator Carl Levin, *ibid.*, p. 5500.

¹¹ Christopher K. Mellon, author interview, August 25, 1998.

¹² Arnold L. Punaro, author interview, March 29, 2001.

¹³ Richard D. Finn, "Written Amendments Considered during Markup," table, March 6, 1986, Papers of Richard D. Finn, included in James R. Locker III Papers, Special Collections, National Defense University Library; Chuck Alsup, "Summary of Executive Markup of DOD Reorganization Act of 1986," June 21, 2000, the James R. Locker III Papers.

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¹⁵ Mellon interview.

¹⁶ James Locher, Richard Finn, and Jeff Smith, "Comparison of the Packard Commission's Recommendations and the Committee's Draft Bill on Defense Reorganization," memorandum for the Senate Armed Services Committee, March 3, 1986, Senate Armed Services Committee; President's Blue Ribbon Commission on Defense Management, *An Interim Report to the President* (Washington: President's Blue Ribbon Commission on Defense Management, 1986), 11; Senate Armed Services Committee, "Goldwater and Nunn Praise Packard Commission Report," February 28, 1986, Senate Armed Services Committee.

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¹⁹ Finn, "Written Amendments"; Alsup, "Summary."

²⁰ Allan W. Cameron, "Final Vote on Defense Organization Bill," memorandum to Senator Jeremiah Denton, March 5, 1986, Senate Armed Services Committee.

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²² Rowland Evans and Robert Novak, "Goldwater and the Whiz Kids," *The Washington Post*, March 7, 1986, A19.

²³ Punaro interview.

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