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Bracken - 12 June

TO THE COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS
OF THE HOUSE OF REPRESENTATIVES:

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Mr. Chairman, Gentlemen of the Committee:

I am speaking to you as the representative of the Reserve Officers of the Naval Services - better known perhaps as RONS - an organization with a membership of over thirty-six thousand reserve officers of the Navy, Marine Corps and Coast Guard. Reserve officers, a greater part of whom have now resumed their places in civil life in their home community, are vitally interested in this proposed unification of the armed forces. Most of them left positions of standing in their chosen profession or occupation to serve in the Naval Services for periods ranging from two to six or more years. Their number provided approximately 90% of the officers to the Naval Services in World War II and their activity touched upon every function of that tremendous wartime organization.

No group in the country today has a better grasp, a more thorough understanding, a more intelligent approach to the underlying causes which impel unification of our armed forces than these Reserve Officers, everyone of whom is subject to recall in any national emergency. Perhaps no group can more dispassionately weigh the pros and cons of unification than such a one.

To insure this, we recommend that there be included in this legislation provision for the appointment of a Commission composed primarily of Reserve Officers, who can study all such questions dispassionately and without prejudice, to make continuing studies of unification and report their findings and recommendations to the Secretary of National Defense who shall forward them to the Congress with his own recommendations.

Respectfully submitted,

John P. Bracken, President
Reserve Officers of the Naval
Services

2 May 1947.

Statement of Major General Lauris Norstad, Director of Plans & Operations Division, War Department General Staff, before the Committee on Expenditures in the Executive Departments, House of Representatives re H.R. 2319, National Security Act of 1947.

Since 1918, many studies have been made with a view to developing a workable plan for integrating the armed forces into an efficient and economical machine for the preservation of peace, or as a last resort, for the successful prosecution of war. Since 1921 there have been at least sixty bills introduced in the Congress pertaining to this subject. During the same period there have been some seven Congressional Committees who have studied the problem and submitted reports.

During World War II, a committee composed of Army, Navy, and Air officers of long experience were appointed by the Joint Chiefs of Staff to study the reorganization of national defense. The committee reported that the majority of the leaders in the field recommended a unified system of organization of the armed forces, and considered it to be essential.

In 1944, the Committee on Post War Military Policy of the House of Representatives, after conducting hearings extending over a period of several months, rendered a report to the effect that the time was not then opportune, because fighting was in progress, to undertake to write the pattern of the proposed unification of the armed forces. They did recommend, however, that when the war was over the question of reorganization of the armed forces should be followed through, with a view to giving to the Congress the results of the study conducted by the committee appointed by the Joint Chiefs of Staff.

Prior to World War II, the real necessity for the integration of our armed forces was not so readily apparent. I am convinced, however, that one lesson which has been most clearly demonstrated by the costly experience of

More important by far than the details of this organization is the singleness of purpose represented by the agreement of the services in accepting and supporting this legislation. This agreement is evidence of a common desire to secure a more effective structure for national security. Many details will have to be worked out progressively, some will be evolutionary in nature, some will continue to undergo change as long as science and technology progress. So long as this mutual spirit of cooperation exists between the services I am confident that within the structure of this Bill there will be created a more effective establishment of the armed forces, one which can with a minimum cost to the people of the United States provide in peace the maximum safeguards against war, and in war the maximum assurance of victory.

(19 June 47)

My full name is Ellis Mark Zacharias. I am a retired Rear-Admiral of the United States Navy. When I retired on 1 November 1946 I had completed over 38 years in the Naval Service. I have served in or operated with all types of ships. I have commanded destroyers, a heavy cruiser and a battleship.

I have completed the senior course at the Naval War College. Practically all of my shore duty has been devoted to Intelligence work, which occupied a total of twelve (12) years in the various phases of that work. While afloat I also engaged in Intelligence Activity which has given me an over-all experience in this field of twenty-five (25) years. The last assignment, between my two sea cruises during the recent war, was that of Deputy Director of Naval Intelligence.

During the war I commanded first the heavy cruiser Salt Lake City until after the Coral Sea Battle and later I commanded the battleship New Mexico and participated in the retaking of the Pacific areas up to and including Guam, Saipan and Tinian. Both ships are still afloat.

As a Lieut-Commander I was assigned to Japan for the purpose of studying the Japanese language and the Japanese people. As a result of that work I was given the task, during the closing phases of the Pacific war, of planning, directing, and conducting the psychological Warfare campaign against the Japanese High Command for the purpose of bringing about the unconditional surrender of the Japanese armed forces without the necessity of a forced invasion of the Japanese main islands.

Having been invited by this Committee to express my opinion of the proposed legislation, H.R.2319, I welcome the opportunity not only because of my concern over our future national security, a subject to which I have devoted intensive and continuing study throughout my 38 years of public service in the Navy, but also because of the apparent lack of comprehension of the dangers which confront us if this legislation is enacted. I say without reservation that this bill presents a danger to us far greater than any possible enemy in the world today, therefore, it should be given the most careful consideration regardless of the length of time required to do so. We have had concrete examples in the immediate past of the results of compromise and appeasement. We can ill-afford to let this creep into considerations of national defense and security.

My first concern about this proposed Merger, Unification, or Amalgamation, is that we must have the right answer. This feeling has been strengthened by recent contact with the public in various parts of the country, (many of them your constituents) in the discussions which have followed my lectures. In these lectures I had avoided bringing up the subject but it was invariably injected by those who showed great concern over the present and future world situation.

It was only then that I would discuss it for them on the basis of facts and without any considerations of personal desire. I have come to feel that the motivations behind some of the present proposals are extraneous considerations.

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The power authorizing Congress to create the physical forces for the common defense is specifically stated in other paragraphs of Article 1, Section 8, which states: "The Congress shall have power . . . to raise and support Armies, but no appropriation of money to that use shall be for a longer term than two years." And in the next paragraph, "To provide and maintain a Navy."

The proposed legislation in H.R.2319 sets up a Department of the Air Force, a complete and independent department in the National Defense Establishment, and the independent Air Force. It is not a matter of argument in Constitutional law as to whether or not the creation of this new establishment is necessary. It is a matter of whether or not there is any basis in law or any power of Congress to enact legislation creating a separate military department. In this regard the Constitution is very precise. To raise and support Armies, to provide and maintain a Navy, and it goes even further in power to call forth, arm and discipline the Militia. Now Gentlemen, there is nothing stated in the Constitution which gives the Congress the power to raise, support, provide, maintain, or call forth an independent air force, the Department of an Air Force or the creation of a United States Air Force. As long as the air forces of the nation are an integral part of the Army and the Navy, there is constitutional basis for their existence. There is nothing in the Constitution, however, which will permit the creation of an entirely new military establishment outside the present constitutionally authorized Army and Navy. And furthermore, there is no provision for a Commander-in-Chief of an Air Force as there is specifically provided for the Army and Navy, the President.

Section 306 (c) proposes to put into law certain executive orders which have never been subjected to the scrutiny of Congress, have never been debated by Congress, and have never been enacted into law. Under the Constitution, as I understand it, only Congress, not the Executive, has the power to legislate laws.

This section would give to the Secretary of National Defense unqualified authority to continue in force as long as he may determine and to the extent he may determine executive orders specifically intended to terminate, in accordance with the first war powers act, at the end of the National emergency. This legislation would allow the General Staff to maintain control of the Army in peacetime, a situation specifically and strongly objected to when the Congress authorized the creation of a General Staff.

It has been recently held (295 U.S. 495) (the Schecter case overruling the N.I.R.A.) that the Congress is not permitted to transfer or delegate to others its functional duties as stipulated and set out in the United States Constitution. There is much authority to support this argument.

The specific provisions regarding budgets in this bill make many of the provisions unconstitutional, as well as the transfer of funds, expenditures, etc., by an Air Force not a part of the Army. Untold complications would result from lack of jurisdiction in activities of every kind engaged in by an illegal organization. I submit that the many things proposed in this legislation cannot be effected legally without appropriate amendments to the Constitution of the United States.