

ARMY ORGANIZATION ACT OF 1950

By

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WITH the passage of the Army Organization Act of 1950 (Public Law 581—81st Congress) and its approval by the President on 28 June 1950, the statutory basis of the Army was revamped to conform to realistic postwar requirements. In providing new statutory authority for the organization of the Army, the Act introduces an element of flexibility that permits the Secretary of the Army to make necessary changes without resort to additional legislation. The Act went into effect on 28 June 1950.

Appearing before the Senate Committee on Armed Services, Secretary of the Army Frank Pace, Jr., explained the necessity for the Act. "If some legislation is not enacted before expiration of Title I of the First War Powers Act," he pointed out, "it will be necessary for the Army and the Department of the Army to revert to the organization existing in 1941. That would result in the reestablishment of a now antiquated organization which would not only be undesirable but would seriously interfere with the ability of the Army to meet the needs of the day."

In his appearance before the same Committee, General J. Lawton Collins, Army Chief of Staff, added, "The Army today is organized under the authority granted by Title I of the First War Powers Act of 1941. Under that authority the organization of the Army has been modified frequently and considerably during the last nine years. This is particularly true at the departmental level. The changes were first necessitated by the demands of war, and more recently by the requirements of demobilization and by the adjustments which have been

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necessary as the result of major postwar enactments, particularly the National Security Act of 1947 and the 1949 amendments to that Act."

Essentially, the Army Organization Act of 1950 consolidates and revises numerous laws affecting the organization of the Army Establishment, enacted at different times in the past. Many of these laws were an accumulation of piecemeal enactments superimposed upon earlier laws. For example, the Act of 14 February 1903 which created the General Staff superimposed that staff agency upon previously existing staff agencies. In another instance, the National Defense Act of 1916 placed on the statute books many basic organizational provisions but did not repeal earlier conflicting laws, some of them written in the early days of the Republic.

"The President is authorized to enlist a force of Indians not exceeding one thousand, who shall act as scouts in the Territories and Indian country. They shall be discharged when the necessity for their service shall cease, or at the discretion of the department commander.—R. S. 1112; 10 U.S.C. 611." *This provision of law repealed by the Army Organization Act of 1950.*

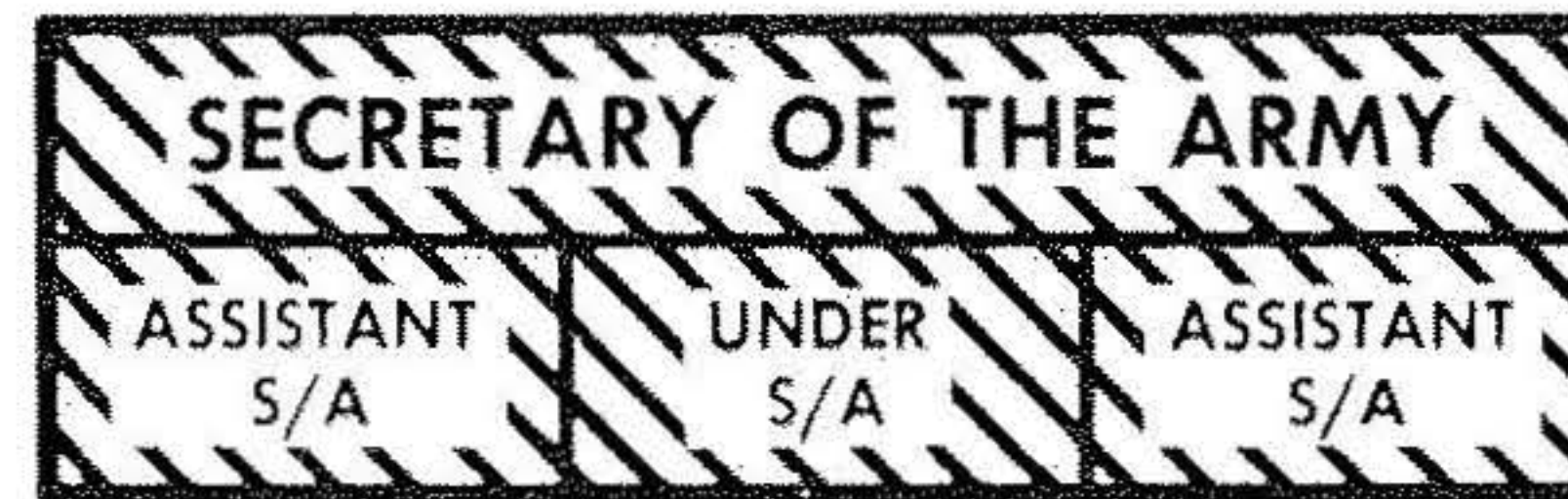
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In fact, never since the adoption of the Constitution had there been any comprehensive Act repealing previous organizational laws and treating the entire problem of Army organization. This the Army Organization Act of 1950 undertakes to do, with these exceptions: It does not change the laws that have been enacted since the close of hostilities in World War II, nor does it change the laws pertaining to the National Guard, the Organized Reserve Corps, or the civil or military functions of the Corps of Engineers. The Act deals only with the internal organization of the Army Establishment and does not in any way enlarge, limit, or otherwise modify the National Security Act of 1947, as amended (the Unification Act).

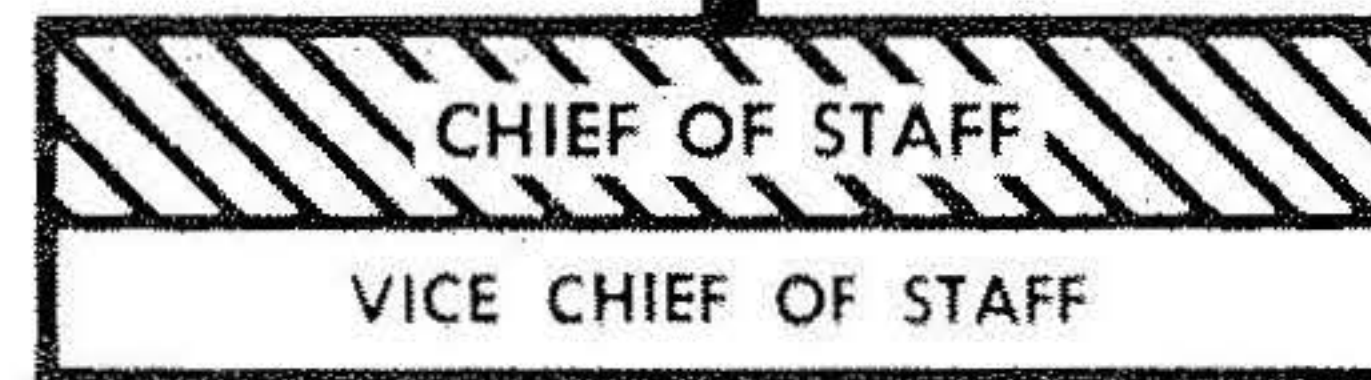
The Army Organization Act provides a much more flexible charter for the organization of the Army and the Department of the Army than has heretofore been authorized by law. Whereas earlier statutes prescribed the powers and duties of each of the Chiefs of the Administrative and Technical Services, the 1950 Act stipulates only that they shall perform such duties as may from time to time be prescribed by the Secretary of the Army. Earlier statutes prescribing the duties and


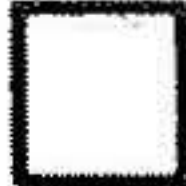

DEPARTMENT OF THE ARMY

As prescribed by the Army Organization Act of 1950



THE ARMY STAFF



-  Offices established by Army Organization Act and filled by Presidential appointment
-  Positions filled by detail of general officers
-  Such other members (Army and civilian) as may be assigned or detailed under regulations by Secretary

Not to Exceed Three Deputy Chiefs of Staff



Not to Exceed Five Assistant Chiefs of Staff



Members of Army Staff Prescribed by Army Organization Act



Name Changed

New Office Created

Position Created

The Army Staff shall be organized in such manner and its members shall perform such duties as may be prescribed by the Secretary of the Army (or required by law)

powers of the chiefs of services (except those relating to the Judge Advocate General and the Chief of Engineers) are either repealed or amended so as to place those powers and duties in the purview of the Secretary of the Army, rather than spelling out the specific responsibilities of each chief of service. This imparts a flexibility to the Department that is in keeping with the principle advocated by the Hoover Commission on Organization of the Executive Branch of the Government—namely, that good administration requires that the department head be given full authority to organize and control his department, and that separate authorities not be vested by statute in subordinate components.

Under the Act, the Secretary of the Army is given broad authority to prescribe organizational arrangements throughout the Army Establishment. This flexibility not only enables the Army to keep abreast of developments in the science of warfare and in the moulding of an effective team of land, sea, and air forces; it also permits changes in Army organization that are necessary or desirable for mobilization and active military operations.

In general, the Act encompasses three main areas of legislative change—the organization of the Department of the Army, the organization of the Army, and a final portion devoted to the repeal of conflicting and outmoded laws.

As defined in the Act, the term “Army Establishment” means all organizations, forces, agencies, installations and activities, including the Department of the Army, all members of the Army, all property of every kind and character—real, personal, and mixed—and all civilian personnel, under the control or supervision of the Secretary of the Army. The term “Department of the Army” means the executive part of the Army Establishment at the seat of government.

Organization of the Department of the Army

Title I of the Act provides for a Secretary, an Under Secretary, and two Assistant Secretaries of the Army.

Secretary of the Army: Title I, Section 101, prescribes that the Secretary of the Army “shall be responsible for and shall have the authority necessary to conduct all affairs of the Army Establishment, including but not limited to those necessary or appropriate for the training, operations, administration, logistical support and maintenance, welfare, preparedness, and effectiveness of the Army, including research and develop-

ment, and such other activities as may be prescribed by the President or the Secretary of Defense as authorized by law." This section further provides that the Secretary may make such assignments and details of members of the Army and civilian personnel as he thinks proper, and may prescribe the duties of the members and civilian personnel so assigned. It also provides that the Secretary of the Army may assign to the Under Secretary and to the Assistant Secretaries such of his duties as he may consider proper, and that officers of the Army shall report to the Secretary, the Under Secretary, or either Assistant Secretary, as the Secretary prescribes.

The Army Staff: Title II, Section 201, provides that "There shall be in the Department of the Army a staff, which shall be known as the Army Staff . . ." The Army Staff shall consist of the Chief of Staff; a Vice Chief of Staff; not to exceed three Deputy Chiefs of Staff and not to exceed five Assistant Chiefs of Staff; the Chief of Engineers, Chief Signal Officer, Adjutant General, Quartermaster General, Chief of Finance, Chief of Ordnance, Chief Chemical Officer (formerly "Chief of the Chemical Corps"), Chief of Transportation, Surgeon General, Judge Advocate General, Chief of Chaplains, Inspector General, Provost Marshal General, Assistant Surgeon General (who shall be an officer in the Dental Corps), Assistant Judge Advocate General, such other deputies and assistants as the Secretary of the Army may prescribe; and such other members of the Army and such civilian personnel as may be assigned or detailed by the Secretary. (See chart.)

Previous laws had merely established at different times the various key officers in the Department. The present Act, however, provides in one section for a complete "Army Staff" in the Department of the Army.

Title II prescribes the duties of the Army Staff, but, except for the Chief of Staff and the Inspector General, it does not prescribe the duties of the individual members of the Staff. As provided by the Act, the Army Staff renders professional aid and assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Army. It prepares plans, conducts inspections, and makes reports. It prepares detailed instructions for the execution of approved plans and acts as the agent of the Secretary of the Army and Chief of Staff in coordinating the action of all organizations of the Army Establishment.

The Army General Staff: The Act provides that the Army

Staff shall be organized in such manner as the Secretary of the Army may prescribe, and that part of it may be designated the Army General Staff.

Limitations on Duty in the Department of the Army: The Congress inserted in Title II a provision limiting the number of Army officers who may be on duty in the Department of the Army to 3000, of whom not more than 1000 may be detailed or assigned to duty on or with the Army General Staff. However, flexibility is provided by a provision that these numerical limits shall not apply upon a finding by the President that an increase is in the national interest, and shall not apply in time of war or national emergency declared by the Congress.

Another provision makes statutory the well-established Army policy of rotation of officers. The Act provides that a commissioned officer on duty in the Department of the Army shall serve for a tour of duty not to exceed four years, and that upon relief from such duty he shall not again be assigned within two years to duty in the Department. However, the Secretary is given authority to make exceptions in the public interest. The Act provides that this provision shall not take effect until one year after enactment of the Act.

The Chief of Staff: Careful and extended consideration was given by the Congress to the duties of the Chief of Staff and to his relation to the Secretary of the Army. The Act provides that "The Chief of Staff shall preside over the Army Staff. Subject to the provisions of Section 101 of the Act, he shall be directly responsible to the Secretary of the Army for the efficiency of the Army, its state of preparation for military operations, and plans therefor. He shall transmit to the Secretary of the Army the plans and recommendations of the Army Staff, shall advise him in regard thereto, and, upon the approval of such plans or recommendations by the Secretary of the Army, he shall act as the agent of the Secretary of the Army in carrying the same into effect." Except as otherwise prescribed by law, the Chief of Staff performs his duties under the direction of the Secretary of the Army.

Organization of the Army

Title III establishes the basic charter for the organization of the Army. Briefly, its principal provisions include:

Composition of the Army: Section 301 provides for the three components of the Army as heretofore prescribed by law—the Regular Army, the National Guard of the United States, and

the Organized Reserve Corps. The Regular Army is defined in Section 302 as that component of the Army which consists of persons whose continuous service on active duty in both peace and war is contemplated by law, and of persons who are retired members of the Regular Army.

Army Commands and Territorial Organizations: Section 303 provides that the Army shall be divided into such commands, forces, and organizations as may be directed by the Secretary of the Army. Section 304 provides that, for Army purposes, the United States and other territories in which the Army may be stationed, may be divided into such areas as the Secretary of the Army may direct.

Organized Peacetime Establishment: Section 305 provides that the peacetime organization of the Army Establishment, including the Organized Reserve Corps and National Guard, shall include all elements and personnel necessary to form the basis for a complete and immediate mobilization for the national security.

Branches of the Army: Section 306 provides for two kinds of branches of the Army—basic and special. Although these two types of branches came into existence as a result of the Officer Personnel Act of 1947, their designation as “basic” and “special” is new.

The *basic branches* are those to which officers of the Regular Army and other members of the Army are assigned by the Secretary of the Army. Regular officers of the basic branches are appointed by the President to commissioned officer grades in the Regular Army without specification as to branch, and they are carried on a single promotion list.

Section 306 names twelve basic branches and authorizes “such other basic branches as the Secretary of the Army deems to be necessary.” The Secretary thus has continuing authority to establish any new basic branches that he believes will contribute to the efficiency of the Army. Further enhancing the flexibility of his authority, the Act does not prescribe the functions or the strengths of the basic branches. The basic branches are not established as autonomous entities but are treated as career fields of specialization to which members of the Army are assigned by the Secretary of the Army. As provided in Section 306, the Secretary of the Army, during any war or national emergency hereafter declared by the Congress, may discontinue or consolidate the basic branches named in the Act.

The following twelve basic branches are named in the Act:

Infantry
 Armor (a continuation of the Cavalry)
 Artillery (consolidating Field Artillery and the Coast Artillery Corps)
 Corps of Engineers
 Signal Corps
 Adjutant General's Corps (formerly "Department")
 Quartermaster Corps
 Finance Corps (formerly "Department")
 Ordnance Corps (formerly "Department")
 Chemical Corps
 Transportation Corps (not heretofore established by statute)
 Military Police Corps (not heretofore established by statute)

The *special branches* comprise those branches which have separate promotion lists for their Regular Army officers. Their officers are appointed and commissioned by the President in specific branches. The special branches designated in the Act are:

The several corps of the Army Medical Service (formerly "Medical Department") which are: Medical Corps, Dental Corps, Veterinary Corps, Medical Service Corps, Army Nurse Corps, and Women's Medical Specialist Corps;
 The Judge Advocate General's Corps
 The Chaplains

General Staff Officers and Inspectors General: Section 306 also provides that commissioned officers may be detailed as general staff officers and as inspectors general, and that members of the Army may be detailed to particular fields, including but not limited to the fields of intelligence, counterintelligence and military government. The Act repeals laws which established a "General Staff Corps" and an "Inspector General's Department." However, the Act does not require any change in the existing practice of detailing officers as general staff officers or as inspectors general either with the Army Staff or with troops.

Women's Army Corps: Title III further provides that there shall be a Women's Army Corps as now authorized by law. The WAC is not classified as either a basic or a special branch, inasmuch as branches represent career fields of specialization, and members of the WAC may be assigned to any branch or career field.

Changes in Basic Legislation

The Act repeals many laws, some of which are reenacted without substantial modification. Others are replaced by new provisions which result in definite changes in substance. In many instances the changes made permanent by the Act had

already been temporarily accomplished under the authority granted by Title I of the First War Powers Act, but they could not have remained in effect upon expiration of the War Powers Act without passage of new legislation. Many other laws repealed by the Act were plainly obsolete. (See boxes.) In all,

"The Quartermaster General of the Army shall provide suitable accommodations for the horses, carriages, and other vehicles of the President and the Executive Office in the stables maintained in the District of Columbia by and for the use of his department.—3 U.S.C. 108." *This provision of law repealed by the Army Organization Act of 1950.*

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the laws repealed by the Act occupied 104 sections of the United States Code.

Among the more important changes in substance resulting from the passage of the Army Organization Act:

(1) The position of Vice Chief of Staff is established by statute for the first time. This position was in existence under the War Powers Act.

(2) Three Deputy Chiefs of Staff are authorized by the Act, whereas previous law authorized only one Deputy Chief of Staff. There were in existence under the War Powers Act three Deputy Chiefs of Staff, counting the Comptroller of the Army.

(3) The offices of Chief of Infantry, Chief of Cavalry, Chief of Field Artillery, and Chief of Coast Artillery are abolished by the Act. Under the War Powers Act these offices had been vacant since early 1942.

(4) The positions of Chief of Transportation and Provost Marshal General are established by statute for the first time. These positions were in existence under the War Powers Act.

(5) A law repealed by the Act charged the Quartermaster General with "the transportation of the Army by land and water." That law was in conflict with current organization. Transportation of the Army by land is a function of the Chief of Transportation; and by sea of the Military Sea Transportation Service, operated by the Navy.

(6) A law repealed by the Act charged the Quartermaster General with the procurement of motor vehicles. That law was in conflict with current organization. Procurement of motor vehicles is a function of the Chief of Ordnance.

(7) The Act repeals previous laws which provided for the Cavalry and the Coast Artillery Corps, and prescribes that

“the Armor shall be a continuation of the Cavalry”; and that “the Artillery shall be a continuation of the Field Artillery and the Coast Artillery Corps.” Thus the names of these historic branches have passed from the statute books. (See “Arm of Speed and Violence,” this issue.)

(8)* The Military Police Corps and the Transportation Corps are authorized by statute for the first time. These two branches were in existence under the War Powers Act.

(9) A provision in the National Defense Act of 1916 repealed by the Army Organization Act charged the Secretary of War with responsibility for industrial mobilization. The National Security Act of 1947 places this responsibility on the National Security Resources Board and Munitions Board.

(10) The National Defense Act of 1916 prescribed that each branch would consist of a chief, a specified number of officers, and a specified number of enlisted men. The Army Organization Act repeals the mentioned provisions, except a section pertaining to the Corps of Engineers, and establishes the branches on a much more flexible basis.

“Fuel may be furnished to commissioned officers on the active list by the Quartermaster’s Department, for the actual use of such officers only, at the rate of three dollars per cord for standard oak wood, or at an equivalent rate for other kinds of fuel, the amount so furnished to each to be limited to the officer’s actual personal necessities as certified to by him.—Act of 12 June 1906 (34 Stat. 250); 10 U.S.C. 1240.”
This provision of law repealed by the Army Organization Act of 1950.

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(11) The Army Organization Act repeals laws fixing the duties of the chiefs of services and provides that they shall perform duties as prescribed by the Secretary of the Army. The laws repealed contained provisions which charged the chiefs of services with the procurement and supply of specific classes of property. Some of these duties were inconsistent with current organization.

Conclusion

The Army Organization Act of 1950 is progressive legislation which establishes in one Act the basic charter for the organization of the Army and the Department of the Army. The flexibility of the Act should permit the maintenance of an up-to-date organization which will enable the Army to fulfill its tasks with efficiency, economy, and dispatch.