



THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

OCT 24 2002

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF
DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF
DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
COMMANDERS OF THE COMBATANT COMMANDS
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, FORCE TRANSFORMATION
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE FIELD ACTIVITIES

322

SUBJECT: The Title "Commander in Chief"

Effective immediately, the title "Commander in Chief" shall be used to connote or indicate the President of the United States of America. Further, this memorandum discontinues use of the acronym "CINC" (meaning "Commander in Chief") for military officers. Attached is a list of new titles to be used.

Utilization of current material (signs, stationery, etc) for military officers that indicates the title "Commander in Chief" is permitted until supplies are exhausted, or until the next regular maintenance period during which signage may be changed without any undue additional cost to the taxpayers.

2409 02

Attachment:
As stated



U09052 / 02

New titles of former military "Commanders-in-Chief"

Unified Combatant Commands

Commander, U.S. Northern Command
Commander, U.S. Southern Command
Commander, U.S. Joint Forces Command
Commander, U.S. Pacific Command
Commander, U.S. European Command
Commander, U.S. Central Command
Commander, U.S. Transportation Command
Commander, U.S. Special Operations Command
Commander, U.S. Strategic Command

Other Commands

Commander, United Nations Command
Commander, Combined Forces Command
Commander, North American Aerospace Defense Command



43
1990



CHAIRMAN OF THE JOINT CHIEFS OF STAFF
WASHINGTON, D.C. 20318-9999

2002 MAY 30 PM 12: 55

ACTION MEMO

CM-351-02
30 MAY 2002

~~SECRET~~ HAS BEEN

DepSec Action _____

6/4
6/4
6/4

FOR: SECRETARY OF DEFENSE

FROM: General Richard B. Myers, CJCS *RBMYERS/29*

SUBJECT: The Title "Commander in Chief"

- I have drafted the attached memorandum for your approval and signature (TAB) to restrict the use of the title "Commander in Chief" to the President.
- In addition, this memorandum discontinues use of the acronym "CINC" (meaning "commander in chief") to preclude confusion inasmuch as this acronym has normally connoted or indicated commanders of combatant commands and, in some instances, commanders in the Military Services.

RECOMMENDATION: Sign the attached memorandum disseminating the correct usage of the term "Commander in Chief."

COORDINATION: NONE

Attachment:
As stated



SPL ASSISTANT DI RITA	6/3	7/12 7/17
SR MACBAMBASTIANI	6/4	
MA' BURELLI	5/31	
EXELBY WHITMORE	7/31	



U09052 /02



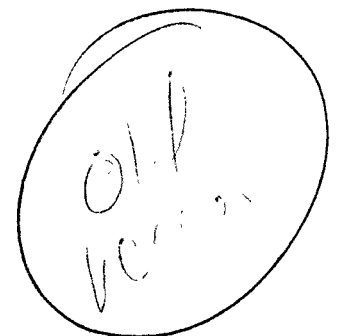
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SUBJECT: The Title "Commander in Chief"

Effective as of the date of this memorandum, the title "Commander in Chief" shall only be used to connote or indicate the President of the United States of America. Further, this memorandum discontinues use of the acronym "CINC" (meaning "commander in chief") to preclude confusion inasmuch as this acronym has normally connoted or indicated the commanders of the combatant commands and, in some instances, commanders in the Military Services.

Commanders of combatant commands shall be called combatant commanders, per the *Department of Defense Dictionary of Military and Associated Terms* (short title: Joint Pub 1-02), which defines the terms "combatant command" and "combatant commander." Henceforth only the President will be called the Commander in Chief in accordance with the United States Constitution, which refers to the President as "Commander in Chief" of the United States Armed Forces.





GENERAL COUNSEL

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

1600 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1600

OCT 16 2002

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE (P & R)

SUBJECT: Redesignation of the Title "Commander in Chief"

This replies to your request for coordination on a proposal to have the President formally redesignate certain positions of importance and responsibility under section 601 of title 10, United States Code (section 601). The redesignation would replace the title of "Commander in Chief" with the title "Commander." Your proposal is based upon the view that such formal redesignation may be necessary before the Secretary may direct that "Commander" be used in place of "Commander in Chief" when referring to those officers.

I have determined that, as a matter of law, the Secretary may issue this guidance now, on his own authority. The positions in question are commanders and deputy commanders of combatant commands, and commanders of three international commands. Of course, in keeping with the substantial authority vested in these commanders, they may perform many responsibilities, including serving in some cases both as commanders of United States combatant commands and as commanders of international commands. The legal analysis with regard to titles for commanders of combatant commands differs somewhat from the analysis for commanders of international commands.

1. Commanders of Combatant Commands. The primary governing statute for commanders of combatant commands is section 164 of title 10, United States Code (section 164). Nothing in this statute mandates the designation "Commander in Chief." To the contrary, section 164 uses the titles "commander of a unified or specified combatant command" and "commander of a combatant command." Section 164 thus suggests that the "in chief" language is merely honorific.

This view is consistent with the President's recent actions. In his current Unified Command Plan (UCP), the President used the title "commander" rather than "commander in chief" to refer to the combatant commanders. In addition, in all of the President's recent nomination packages submitted to the Senate for combatant commanders and deputy commanders, the President changed the titles for those positions to use the term "commander" in place of "commander in chief."



Moreover, the Secretary's authority, direction and control over the Department of Defense under 10 U.S.C. § 113 includes the power to determine methods of addressing subordinate officials within the Department, including combatant commanders and their deputies. Establishing such conventions and customs within the Department is an inherent part of the Secretary's command authority.

I have carefully considered – and rejected – the argument that the title of a position of importance and responsibility under section 601, by itself, is so central to the designation of that position that only the President may direct this name change. The President's duty under section 601 is to designate positions, not bestow titles (though of course he may do so if he chooses). Titles merely identify the designated positions. A change in title would not alter the position. It would create no uncertainty regarding which positions are designated under section 601, and thus would not implicate the President's section 601 responsibilities. And in any event, the President's recent actions regarding the UCP and combatant commander nominations, described above, evidence his intent to change the title of the combatant commanders from "commander in chief" to "commander."

In sum, directing the Department to use "commander" is consistent with sections 164 and 601, with the President's recent actions, and with the Secretary's statutory and inherent authority.

2. Commanders of International Commands. The positions of Commander in Chief, North American Aerospace Defense Command; Commander in Chief, United Nations Command; and Commander in Chief, Combined Forces Command raise additional issues. These international commands are created by international agreement rather than by section 164. And unlike section 164, these agreements specifically refer to "commander in chief." Nonetheless, these agreements do not preclude redesignation. Nothing in the agreements requires that the commanders be designated "commander in chief," and a redesignation as "commander" would affect nothing of substance in the treaty.

I should note, however, that the United States cannot bind another nation to changes in an international treaty unless that nation consents to the change. Because redesignation might have diplomatic implications, the Secretary should consider, as a matter of comity, informing our treaty partners of this change and perhaps seeking modifications to relevant international agreements to reflect this change. In addition, perhaps for an interim period, the Secretary may wish to authorize these commanders to use the title "commander in chief" in the international context when doing so is in the interest of the United States. This multiplicity of titles depending on function is nothing new for these commanders –



they are familiar with the concept of wearing several “hats,” including those of multinational commands.

The President’s most recent UCP, referred to above, contains a reference to the title “Commander in Chief, North American Aerospace Defense Command.” Accordingly, that title may be used in the bi-national U.S.-Canadian context. The UCP also embraces the title “Commander, US Northern Command” – the same official. In light of the Secretary’s statutory and inherent authority to determine the methods of addressing subordinate officials, I do not believe that the President’s UCP reference affects the conclusions above.

I am aware that consistent DoD practice has been to request the President to modify formally the titles of the positions designated under section 601 before directing any change in the Department. Under the specific circumstances presented here, however, I find no legal requirement that the President take action as proposed in the attached package prior to the Secretary’s issuing his direction.

I have advised the Counsel to the President and the Office of Legal Counsel, Department of Justice, of my conclusions.


William F. Haynes II



OFFICE OF THE SECRETARY OF DEFENSE
THE SPECIAL ASSISTANT

GC-

Mr. Haynes-

Please let
discuss -

O. White

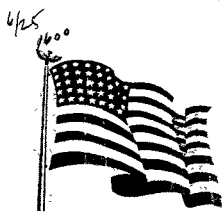
Larry Di Rita

(U 09052-09)

6/26



UO 9052-02



CDR Greg Wittman
Navy Military Assistant
OSD Executive Secretariat

MEMORANDUM

TO: TSA
SUBJ: CINC MEMO

6/25

Sir,

Coords obtained at Tab A
as indicated.

Based on info that OGC
indicated [redacted] Mr Haynes
would brief you or personally,
recommend we cancel this memo
and let OGC/P&R work with
White House.

Clear w/ 409052-2 v/r Stim
Myell

Toric

D=V
Powell Mason

J Peterson + me



OFFICE OF THE SECRETARY OF DEFENSE
EXECUTIVE SECRETARIAT

Date: June 17, 2002

Suspense: 1600 19 June, 2002

SUBJECT: CINC memo.

The Secretary of Defense has asked for coordination by the individuals listed below on the attached memo regarding use of the title "Commander in Chief".

Please indicate below concurrence or nonconcurrence, signature and date, and any remarks. Feel free to annotate the attached draft memo.

<u>COORD</u>	<u>CONCUR/ NONCONCUR</u>	<u>SIGNATURE/ DATE</u>	<u>REMARKS</u>
CJCS (Myers)			
VCJCS (Pace)			
USD(C) (Zakheim)			
DoD GC (Haynes)	<u>NONCONCUR</u>		<i>- input to be provided by Mr Haynes to Mr. Di Rita</i>
ASD (PA) (Clarke)			
ASD (LA) (Moore)			

Completed coordination package should go to CDR Wittman in OSD Executive Secretariat, Room 3D853, by suspense. Please deliver or call for pickup, 692-7130.

