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A PROPOSAL FOR THE  
UNITED STATES ARMY ETHIC

BY

LIEUTENANT COLONEL HUGH A. KELLEY  
INFANTRY

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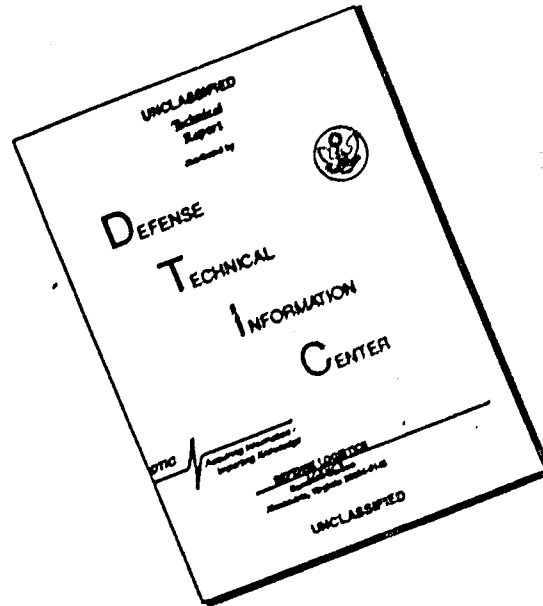


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USAWC MILITARY STUDIES PROGRAM

A PROPOSAL FOR THE  
UNITED STATES ARMY ETHIC

INDIVIDUAL STUDY PROJECT

by

Lieutenant Colonel Hugh A. Kelley  
Infantry

US Army War College  
Carlisle Barracks, Pennsylvania 17013  
26 April 1984

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PREFACE

This Individual Study Project was produced under the aegis of the US Army War College Military Studies Program. It is in support of a larger study effort being conducted by the Officer Personnel Management System Study Group, Deputy Chief of Staff for Personnel, Department of the Army to determine the personnel management requirements generated by the Army's anticipated operation environment of the future, 1995 and beyond.



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## INTRODUCTION

### PURPOSE AND SUPPOSITIONS

The purpose of this study is to propose an ethic, adequate to meet the needs of the US Army, by a process of synthesization of existing, official Army literature. It does so operating under the following suppositions:

- That the US Army needs to assemble and promulgate an ethic establishing the fundamental precepts within which the Army, as a professional institution, and the individual soldiers serving in that profession, can properly conduct both their duties and their respective selves.
- That, though the Army has officially promulgated an ethic, as contained in Chapter 4, FM 100-1, The Army, it is too general for those with less than extended military service given the increasingly complex environment in which they must serve. It presumes a homogenous personal value base that does not exist. Finally, it omits ethical subjects of consequence verified by detailed treatment of those subjects in other official literature.
- That, while the whole of Army literature adequately addresses all the ethical dimensions required by and of the Army, its diffusion throughout that literature produces an equally diffused perception of what that ethic consists of. It then follows that support of and compliance with the

various elements of that ethic is proportional to the prominence and distribution--or lack thereof--of the document in which it is contained.

Before presenting the proposed ethic, the remainder of this preface will examine these suppositions in some detail, describe the procedure used to formulate the proposed ethic, and offer some recommendations pertaining to promulgation and enforcement.

#### THE NEED FOR AN ARMY ETHIC

The subjective necessities for an Army ethic--to maintain the essential trust between the Army and the Nation it serves and to maintain the equally essential trust among and between the members of the Army profession--are presented in the introduction to the proposed ethic and consequently, need not be reiterated here. However, there are needs--more objective in nature--that are worthy of consideration.

The first of these is generated by the nature of the people the US Army defends and from whom its ranks are filled. Though bound together by a set of values common to a free and democratic people, it is a society oriented on the attainment of individual goals. Its membership operates in and transits through a porous strata of educational and economic levels further varied by a diversity of ethnic and religious heritages, political perceptions, race, and gender. The result is a society of individuals who share common national values but possess a variety of personal values and associated ethics. Further, it is not a military society and as such is not uniformly appreciative of the ethical requirements of a military organization. Hence, when members from such a society join a profession--such as the US Army--that demands subjugation of individual goals for the attainment of a common purpose,

it is essential that they understand that purpose, the nature of the organization that fulfills it, and the principles that govern the way it conducts its business--its ethic.

A second demand for an Army ethic is generated by the fact that the activities conducted by the US Army are official acts of the nation. Since the United States is a nation that conducts itself within a set of stated values, then the manner in which the US Army performs its duties must be in consonance with that same set of values. The exigencies which can and do arise in the Army's operational environment--whether peace, combat, or those nebulous situations in between--will frequently offer compelling solutions that, while expedient, are contrary to the nation's values. Should temptation prove overwhelming and such expediencies are selected, the Army ceases to represent or even be controlled by the nation it serves while the baseness of those acts will still disgrace the country and degrade its moral power. Philosophical discussions in the face of such exigencies are usually not possible due to time constraints. Such situations then demand the firm establishment of an ethic to permit the timely selection of a course of action consistent with the nation's values and purpose.

An offshoot of this imperative is the increasing and often disproportionate impact of individual actions within a larger operation or activity as a result of modern communications. As in the past but to an even greater extent today, the virtues of a military enterprise are debated by the nation during its prosecution. The tendency in these debates is to infer the justness of an enterprise's objectives from the manner in which they are pursued. The ends no longer justify the means, if they ever did. Recent history has clearly demonstrated that if the nation perceives those means as unjust, then its support ceases. The

information from which the people of the nation make this judgement is transmitted to them from agencies within and without, friendly and hostile, in formats that focus on the drama of individual action. Thus, the consistent support of the nation can only be maintained by an ethical prosecution of the enterprise by every echelon of the Army down to and including the individual soldier. Hence, the Army not only needs an ethic consistent with national values but one that applies to and is adhered to by every member of the profession.

That the Army needs an ethic that applies to its entire membership--as opposed to say, an 'Officer's Code'--may be reinforced subjectively as well. While the breadth of responsibility is a function of rank, the ethical demands are essentially the same. The commander of an army and the senior soldier in a two-man foxhole are both responsible for a mission, the welfare of their respective 'units,' and the manner in which they each fulfill their duties. Who could measure--and with what criteria--any differences in the ethical dimensions within which they must serve? Finally--and intuitively--it may be said that an ethic encompassing the entire profession will serve to bond all members of that profession together in service to the nation and is, therefore, more desirable than an ethic that only addresses and thereby isolates a segment of the profession from the whole.

#### CURRENT STATUS OF THE ARMY'S ETHIC

Officially, the Army's ethic is defined in Chapter 4, "The Profession of Arms", of FM 100-1, The Army, as consisting of four values--loyalty to the institution, loyalty to the unit, personnel responsibility, and selfless service--and four soldierly qualities--commitment, competence, candor, and courage. Carefully and eloquently written, each

sentence describes precepts evolved from the sum of the nation's military experience. Yet in seeking both brevity and completeness, it is often omissive, or subtle beyond comprehension of the inexperienced. For example, it demands adherence to lawful orders but fails to define what is lawful or those situations where such obedience is inappropriate. Fairness and justice between individuals and between the individual and the institution are omitted. The ethical responsibilities of leadership are limited to the recognition of varying degrees of commitment as a function of rank. Beyond the requirement to display loyalty, selflessness, courage, and candor, how a soldier performs his mission in combat is not addressed. Candor, presented as synonym for integrity, as described, omits a fundamental facet of integrity--the faithful execution of duty.

The validity of these and other omissions is confirmed by the detailed specificity with which they are addressed as ethical or moral matters in other--often obscure--documents. A listing of those documents is contained in the bibliography of this study consisting of twenty-eight Army regulations, seven field manuals, eight pamphlets, and three training circulars supported by several Department of Defense manuals and certificates, two separate titles to the United States Code, and the Constitution of the United States. Though there is considerable redundancy between these documents, the synthesization of them, which will now be described, clearly establishes the incompleteness of FM 100-1's presentation of an ethic for the Army.

## CONSTRUCTION OF THE PROPOSED ETHIC

The ethic proposed for the Army by this study is the result of a synthesis of existing Department of the Army and Department of Defense regulations, literature, and documents, and pertinent laws of the United States. The entire process consisted of six phases.

- Phase I--Title Search. A complete title search to identify any literature which could possibly relate to or address military ethics was made of all Army regulations, field manuals, pamphlets, and training circulars. Bibliographies in each identified document were then cross-referenced to minimize the possibility of an error of omission. This cross-referencing also identified pertinent DOD and United States Government references.
- Phase II--Initial Cut. The documents identified in the title search were evaluated as to their potential contribution to the formulation of an Army ethic. The criteria was simple--any document which addressed a subject as having an ethical or moral aspect was accepted as a potential contributor. The result of this cut is essentially the bibliography of this study.
- Phase III--Categorization. The documents surviving the initial cut were then categorized by the subjects they addressed. This phase was somewhat self-evolving in that no preconceived set of categories was employed. The documents literally grouped themselves into eight general subject areas: the purpose or mission of the Army as a trust, ethics in the moral abstract, soldier qualities, leader qualities and responsibilities, personal and professional conduct, justice, discipline, and the rules of war. Many documents, such as AR600-20 and FM 100-1 addressed more than one subject.
- Phase IV--Redundancy Cut. Within each general subject, the specific points were identified and from that listing redundant documents were eliminated. The criteria in this elimination was the retention of that document specifying a given point in the most detail with the greatest eloquence. The result of this cut is essentially those documents listed in the endnotes of the proposed ethic.

• Phase V--Reorganization. The specific points within each general subject area were now reorganized with logical continuity as the criteria--specifically, the ethic, as read, should build upon itself in a progressive and reasoning manner as much as possible. The result of this phase is essentially the table of contents provided at the beginning of the proposed ethic.

• Phase VI--The Rewrite and Edit. As much as possible, the rewrite and edit process was limited to only that necessary to ensure proper syntax and literary flow. As the reader will note, the proposed ethic is heavily footnoted. However, two types of situations required some major rewriting--those references which contained multiple points broken out and reorganized in the previous phase, and those points formed from more than one source. Such rewriting was kept to a minimum for three reasons--to insure the original intent of the references was maintained, to enhance the acceptability of the proposed ethic by preserving commonly recognized and accepted passages already in practice, and to take maximum advantage of the literary skills of the original authors.

Employing this process, an ethic was produced that possesses some distinct and desirable characteristics above and beyond its specific contents. Since it is based on existing law, regulations and official literature that have themselves evolved from the experience of the nation and its military, the proposed ethic is both durable and an expression of the current values of the United States and its army. Further, acceptance of it by the total membership of the Army profession is facilitated by the proposed ethic's de facto--however diffused--existence and practice, and by its formulation from the total Army experience, not from just a selected strata or institution. The completeness of that acceptance can be achieved through thoughtful promulgation.

#### PROMULGATION

While numerous methods of promulgation are readily available, the method selected should have the following characteristics.

• An ethic is not a transitory subject but one of some permanence and durability. Therefore, it should be published in a reasonably permanent medium.

• Since the proposed ethic is intended for all soldiers—not a select few—distribution should include the entire membership of the profession—not just some central referral depository.

• Though supported by existing law and regulation, to be truly operative, the proposed ethic must be willingly embraced by the membership of the profession as a definition of who they are, what they do, and how they go about doing it. Compliance derived from fear of adjudication is, therefore, not desirable though such procedures must be available to reject those who cannot meet the standards of the profession. As such, the method of promulgation should not be a legalistic document.

Given these criteria, the field manual appears to be an appropriate format for promulgation. It has permanency as a traditional medium for doctrine, distribution may be made as wide as necessary, and it is not a legalistic document. Further, FM 100-1, The Army, sets a precedent for this method of promulgation, containing the current Army ethic in its fourth chapter. In fact, FM 100-1, rewritten to include the proposed ethic and elimination of those chapters and passages susceptible to short-term changes, is an appealing candidate since its stated purpose is to express the "fundamental principles governing employment of the United States Army in support of national objectives."<sup>1</sup>

Obviously, initial distribution must be universal. Thereafter, the ethic should be distributed to each soldier upon his entry into the profession accompanied by appropriate instruction during his entry training, whether enlisted or commissioned, active or reserve. In this way, the profession is defined for the soldier at the outset of his or her

career. Further, the ethic should be revisited at each level of military education to address the ethical ramifications of the increased responsibilities the soldier will meet as his or her career progresses. Reinforcement training at the unit would be conducted as deemed necessary by the unit commander/leader.

#### ENFORCEMENT

Since the proposed ethic defines the Army profession and given the sources from which it was formulated, the necessity for enforcement is not generated by a need to force acceptance of the ethic by the membership of the profession. Rather that need is derived from a requirement to eliminate sources of damage to the profession and to protect its membership from those within its ranks who allow themselves to be guided by instincts that are contrary to the good of the service.

Adequate procedures--judicial and administrative--are currently available to defend the profession. They include adjudication procedures as defined in the Manual for Courts Martial, and administrative discharge procedures prescribed by AR 635-100 and AR 635-200 for officers and enlisted personnel respectively. Specifications for such action are contained in the Uniform Code of Military Justice and a host of Army regulations such as AR 600-50, Standards of Conducts for Department of Army Personnel. Additionally, lesser measures--letters of reprimand, adverse efficiency reports, revocation of security clearances--are also readily available. In fact, there is such a profusion of regulations that some consolidation might be in order.

Action taken in response to a suspected breach of ethics must encompass the principles of any adjudication process in the military--an unbiased investigation, a selection of the appropriate procedure to be

employed made by the chain of command based on the results of that investigation, and a prompt and fair execution of the procedure selected.

At the conclusion of those procedures, the results should be announced to the profession regardless of the outcome or the subject's rank. These procedures can never be conducted with complete discretion and, as such, the innocent deserve public pronouncement of that fact to dispel the inevitable rumors. Where guilt is confirmed, the purpose of its announcement to the profession is not to forever brand the guilty or to intimidate the profession into compliance, but to clearly and continuously affirm that the internal trust generated by the profession's ethic remains justified. Further, such public announcements will serve to confirm to the American people that the trust they have given to the Army for their defense and security is merited.

ENDNOTES

1. US Department of the Army. Field Manual 100-1, The Army.  
p. iv.

**THE UNITED STATES ARMY ETHIC  
(PROPOSED)**

# THE UNITED STATES ARMY ETHIC

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## THE UNITED STATES ARMY ETHIC

### INTRODUCTION

The fundamental principles of war which have served to guide fighting men at the pivotal edge of battle have remained relatively constant down through the ages. These timeless principles are essential ingredients of victory in battle. However, alone they are insufficient for an army charged with as awesome a responsibility as is ours--the defense of a free people united in a democratic nation. Therefore, these principles of war must be harnessed to a set of values and ideals--a military ethic--consistent with our nation's heritage and linked to our national purpose.<sup>1</sup>

The United States Army Ethic sets the institution of the Army and its purpose in proper context--that of service to the large institution of the nation, and fully responsive to the needs of its people. It is subordinate to and supportive of the nation's purpose, formally codified in our Constitution, and the national ethic which flows therefrom.<sup>2</sup>

The Army Ethic has evolved from its Constitutional origins and the American military experience from the Revolutionary War to the present. It begins by defining the profession which we serve--an institution formed and controlled by the nation's elected government for the common defense. It prescribes the obligation we accept upon entry--an absolute oath, taken without reservation, to defend the nation regardless of personal sacrifice. The Ethic then establishes a set of fundamental values--loyalty, discipline, and justice--accepted and practiced in the course of our duties without exception. It defines those individual qualities essential in and embraced by every American in arms. The Ethic prescribes the authority, priorities, and responsibilities of those who lead and their relations with the soldiers in their trust. Finally, the Army Ethic addresses the concerns of the American soldier in combat--how we wage war and how we conduct ourselves in confronting our nation's enemies.

The Army Ethic sets forth those values and principles of conduct which govern our behavior as an institution, as military units, and as individual soldiers. It is imperative that the Army Ethic be understood and accepted in its totality by every soldier at every level of the Army. For it conveys the moral framework and the ultimate sense of purpose necessary to preserve and renew the Army as it fulfills its role in the maintenance of our free and democratic society. It is from this Constitutional charge, and from the harsh realities of the battlefield--where our lives and the lives of those around us may be jeopardized to shield the Republic--that the Army Ethic holds resolutely.<sup>3</sup>

## CHAPTER I

### THE PURPOSE OF THE ARMY

#### THE CONSTITUTION

"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

This preamble to the Constitution of the United States of America sets forth the fundamental purposes of the Constitution itself, and of the federal union it was designed to create:

- To form a more perfect union.
- To provide for the common defense.
- To promote the general welfare.
- To secure the blessings of liberty.

These fundamental statements of the national purpose provide the basic justification for the establishment of the Armed Forces of the United States; the legal basis and framework for a military establishment charged with providing for the nation's common defense are set forth in subsequent sections of the Constitution."<sup>4</sup>

"The need for military forces to support and protect United States interests was and is based on the fact that conflict, or the potential for conflict, is inherent in relations among people and nations. Conflicts between nations may vary in scope and intensity from relatively minor contention or disagreement over policy, to fundamental and often irreconcilable clashes over ideologies and national objectives. Regardless of scope or intensity, any international conflict which can directly or indirectly affect United States interests requires urgent address and resolution."<sup>5</sup>

#### PRECEPT OF CIVILIAN CONTROL

A central feature of the Constitution with respect to the nation's military forces is the establishment of civilian control in the government over the military branches. The Constitution defines the Army as an agency of civil power<sup>6</sup> focused on, and responsive to, the needs

and desires of the American people as expressed by their elected representatives.<sup>7</sup> Thus, the United States Army belongs to the American people to support their common interest and benefit.<sup>8</sup>

"This is accomplished by the constitutional provisions which vest command and control of the nation's Armed Forces in the President and Congress, respectively. The Constitution specifies that Congress alone has the power to raise and support armies and perhaps most importantly, to declare war. The Constitution further provides that the President, as the nation's Chief Executive, will serve as Commander in Chief of the Armed Forces of the United States. This authority, coupled with treaty-making authority, appointive power--including the appointment of federal officers of the Armed Forces--and requirements to . . . take care that the laws be faithfully executed . . . are the principal constitutional bases for Presidential involvement in national security affairs.

Thus, the responsibility for managing the nation's defense through the Armed Forces of the United States, constitutionally, shared by the legislative and executive branches of the federal government."<sup>9</sup>

#### THE PURPOSE OF THE ARMY

The specific purposes of the Army are set forth in Title 10, United States Code, Section 3062 which states:

"It is the intent of Congress to provide an Army that is capable, in conjunction with the other armed forces, of--

- (1) preserving the peace and security, and providing for the defense of the United States, the Territories, Commonwealths, and possessions, and any areas occupied by the United States;
- (2) supporting the national policies;
- (3) implementing the national objectives; and
- (4) overcoming any nations responsible for aggressive acts that imperil the peace and security of the United States."<sup>10</sup>

#### "PRIMARY FUNCTIONS

The Department of the Army is responsible for the preparation of land forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated mobilization plans, for the expansion of the peace time components of the Army to meet the needs of war.

The Army, within the Department of the Army, includes land combat and service forces and such aviation and water transport as may be organic therein. Its primary functions are to--

Organize, train, and equip Army forces for the conduct of prompt and sustained combat operations on land--specifically forces to defeat enemy land forces and to seize, occupy, and defend land areas.

Organize, train, and equip Army air defense units, including the provision of Army forces as required for the defense of the United States against air attack, in accordance with doctrines established by the Joint Chiefs of Staff.

Organize and equip, in coordination with the other Services, Army forces for joint amphibious and airborne operations, and to provide for the training of such forces in accordance with doctrines established by the Joint Chiefs of Staff to--

Develop, in coordination with the other Services, doctrines, tactics, techniques, and equipment of interest to the Army for amphibious operations and not provided for in the primary functions assigned to the Navy and to the Marine Corps.

Develop, in coordination with the other Services, the doctrine, procedures, and equipment employed by Army and Marine Corps forces in airborne operations. The Army shall have primary interest in the development of those airborne doctrines, procedures, and equipment which are of common interest to the Army and the Marine Corps.

Provide an organization capable of furnishing adequate, timely and reliable intelligence for the Army.

Provide forces for the occupation of territories abroad, to include initial establishment of military government pending transfer of this responsibility to other authority.

Formulate doctrines and procedures for the organizing, equipping, training, and employment of forces operating on land, except that the formulation of doctrine and procedures for the organization, equipping, training, and employment of Marine Corps units for amphibious operations shall be a function of the Department of the Navy, coordinating with the other Services.

Conduct the following activities:

The authorized Civil Works Program, including projects for improvement of navigation, flood control, beach erosion control, and other water resource developments in the United States, its territories, and its possessions.

Certain other civil activities prescribed by law."11

## CHAPTER II

### THE OBLIGATION

#### THE OATH

The American who becomes a soldier in the nation's army takes an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic, and to bear true faith and allegiance to the same.

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God."<sup>12</sup>

The Oath of Enlistment  
(Enlisted Personnel)

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."<sup>13</sup>

The Oath Of Office  
(Officer Personnel)

For men and women alike, the commitment is absolute, and permits no moral or mental reservation.<sup>14</sup> All soldiers are bound by their oath to do their utmost to achieve the prompt and successful completion of the mission assigned, even at the risk of their lives if the situation so demands.<sup>15</sup>

## THE SOLDIER'S OBLIGATIONS

The soldier freely accepts the obligations of his oath in time of peace and in time of war. The specifics of the obligation are:

- To carefully and diligently discharge the duties of the office to which appointed and the grade to which promoted.<sup>16</sup>
- To observe and follow the orders and directions given by superiors acting in accordance with the laws of the United States and the articles governing the Army.<sup>17</sup>
- To uphold the traditions and standards of the United States Army.<sup>18</sup>

The total fulfillment of the soldier's obligation are required to assure the security of the nation, the protection of its people, and the support of its policies. It may lead the soldier to distant places of the world and, if combat is encountered, may involve his death.<sup>19</sup> The totality of its obligation is justified on the firm belief that the preservation of the United States is decidedly worthwhile.

## THE NATION'S OBLIGATION

When the soldier accepts this obligation, the nation becomes a party to the contract. The devices that are worn--the insignia and the uniform--identify him or her with the power of the United States. Serving honorably, the soldier will be sustained by the nation, cared for through illness or injury, shielded through life if disabled in service. Toward no other profession does the nation express its obligation more fully--which is as it should be. Most Americans view this special status of the military with pride rather than envy--agreeing with the principle that exceptional advantage should attend exceptional and unremitting obligation.<sup>20</sup>

## CHAPTER III

### THE FUNDAMENTAL VALUES OF THE ARMY

The Army, as an institution and a profession, fulfills its purpose by functioning in accordance with a body of ethic based on a set of fundamental values. These values are a formalization of the American soldier's philosophy, derived from the laws of the land, and the obligation we have freely accepted. They form the base upon which the Army Ethic is constructed. They define military service in the professional sense and clarify how we differ from the broader society we serve, and how our Army differs from the armies of other societies.<sup>21</sup>

#### LOYALTY TO THE INSTITUTION

"The first fundamental value imbedded in the Army is loyalty to the institution. This value [recognizes] that the Army exists solely to serve and defend the nation. It represents unswerving loyalty directed upward through the chain of command, and accepts as proper and fitting the subservience of the military to civilian control. It demands total adherence to [and support of] the spirit and letter of the laws [of the nation].

Loyalty to the institution is the value which permits application of the power derived from the Army's 'grass roots'--units working in harmony toward individual and collective goals--and applies it to the large goal of service to the nation."<sup>22</sup>

#### LOYALTY TO THE UNIT

"The second fundamental value is loyalty to the unit. This value implies a two-way obligation between those who lead and those who are led; an obligation to not waste lives, to be considerate of the welfare of one's comrades, to instill a sense of devotion and pride in unit--to the cohesiveness and loyalty that meld individuals into effective fighting organizations."<sup>23</sup>

#### DISCIPLINE

The United States Army is a disciplined army.<sup>24</sup> As an institution, its discipline is founded upon respect for and loyalty to properly constituted authority.<sup>25</sup> The discipline of its units provides the control necessary to function under the extraordinary frictions and pressures of

the battlefield.<sup>26</sup> The discipline in ourselves, as soldiers, provides us with the ability to act in the face of mortal danger when all of our natural instincts are relentlessly petitioning our attention.

Discipline is derived from individual and unit training that develops a mental attitude resulting in proper conduct and obedience to military law under all conditions. It is evidenced in individuals and units by smartness of appearance and action; by proper maintenance of dress, equipment, and quarters; by mutual respect between senior and subordinate; and by the prompt and cheerful execution of both the letter and the spirit of lawful orders to the fullest of one's comprehension.<sup>27</sup>

### JUSTICE

The United States Army is a lawful army, governed by a body of laws enacted by Congress--the Uniform Code of Military Justice. The Code provides one standard of treatment for all soldiers, regardless of rank, in the regulation of internal military affairs. It specifies the general nature of offenses against society and special offenses against the good of the military service.<sup>28</sup> In its adjudication process, the goal is justice.<sup>29</sup> But, its major object is not punishment of the wrongdoer but protection of the interests of the dutiful. This objective is consistent with the basic principle of all action within the Army--that in all cases, the best policy is one that relies on the sense of duty in soldiers toward each other.<sup>30</sup>

## CHAPTER IV

### QUALITIES OF THE SOLDIER

"The Army Ethic does not displace, but rather builds upon those soldierly qualities which have come to be recognized as absolutely essential to success on the battlefield. It is our collective task as Army professionals to imbue these soldierly qualities into ourselves and our units. This must be the focus of our efforts; for us to be successful, we must clearly recognize and understand the qualities essential to soldiers and their leaders as they strive to do the nation's will within the framework of the constitutional, legal, and political imperatives which provide the governance of their ultimate task--the direction of violence."<sup>31</sup>

#### COMMITMENT

"Military service for the American soldier represents a commitment to some purpose larger than himself. It is this commitment--the willingness to recognize and embrace it at the outset and the willingness to continue to uphold the idea as a military professional--that sets the soldier apart from his nonmilitary peers. While this commitment, in its broadest sense, represents an avowed willingness to lay down one's life in the service of one's country, the immediate focus of that commitment varies in degree and scope as soldiers advance in tenure, rank, and responsibility. For generals, especially those serving at the highest levels, this commitment translates into a day-to-day concern for the broadest national goals and military aims and strategies; soldiers of lower ranks, on the other hand, most often focus their immediate commitment on the unit to which they belong--their platoon, company, troop, battalion, or squadron. However, it is the efficient functioning of these small units that usually wins in battle, thereby insuring attainment of the broad national goals. The effectiveness of the aggregate effort is a function of the strength of mutual commitment among and between soldiers. The Army seeks it from training at initial entry, and pursues it determinedly thereafter. And so commitment in both contexts--to the idea of military service in general, and to the unit to which one belongs--is the first essential soldierly quality which must be embraced and nurtured."<sup>32</sup>

## COMPETENCE

"Finely tuned proficiency is one of the oldest soldierly qualities required for success on the battlefield. However, the increasing complexity and sophistication of modern weapon, support, and organizational systems makes its attainment ever more difficult. Hence, tough and demanding training deserves--indeed requires--increasingly more of the Army's time. Each of us has a responsibility to strive for, and maintain a thorough knowledge of our job, in both an individual sense and as a team member in those all-important small groups and units upon which the success of the Army in battle depends so heavily. Competence also serves to instill in our individual soldiers and units a sense of confidence--that firm belief, trust, and reliance on one's own abilities and on the abilities of superiors and subordinates. The confidence which flows from competence is an essential ingredient of success. Without it, morale, esprit, and pride of unit suffer. With it comes the willingness to grasp the initiative--to be bold in thought and deed."<sup>33</sup>

## COURAGE

"The American soldier symbolizes today, as always, the word 'courage.' This is so because courage is an essential ingredient of the soldier's overall makeup. In the military context, as in many others, courage is not simply the absence of fear. It is rather the willingness to recognize that in battle, as in other circumstances where danger threatens fear or apprehension are ever-present realities. Courage is the further ability to persevere with physical and moral strength, and to prepare and condition oneself to act correctly in the presence of danger and fear. Courage, then, is what defines the word, 'Soldier.'<sup>34</sup>

## INTEGRITY

The success of the Army in fulfilling its national purpose rests on each soldier's professional and personal integrity. For it is the aggregation of individual integrity that forms the Army's institutional virtue based upon which our society places their trust for the nation's security and the lives of those Americans who serve.

Integrity is total sincerity, honesty, and candor in word and deed.<sup>35</sup> It is the faithful execution of duty even when no superiors are present;<sup>36</sup> it is conduct based on honest evaluation of the situation even though deception may lead to an easier path;<sup>37</sup> it is the objective, straightforward, and truthful communication of facts, as they are known, regardless of professional risk.<sup>38</sup>

Integrity stands as a cardinal quality of the military profession as soldier's have no time or use for untruths or double meanings--either on the battlefield or in preparation for it. The stakes are too high

and the time too short for anything less to be acceptable. There is no substitute for the trust that evokes the essential bond of brotherhood required between soldiers under fire.<sup>39</sup>

#### PERSONAL PROPRIETY

In order to be an effective member of the Army profession, the soldier must be mentally and physically fit.<sup>40</sup> Achievement and sustainment of this fitness requires high standards of personal conduct, both on and off duty.<sup>41</sup> Therefore, the soldier sees to his personal and financial obligations, exercises moderation in the consumption of food and drink, and strictly avoids activities or relationships which could result in personal embarrassment, civic censure, a loss of professional status, or discredit to the Army.<sup>42</sup> Anything less could result in a degradation of the soldier's ability to perform his duties either due to absence, mental distraction, or physical incapacitation, endangering not only himself but his fellow soldiers and his unit as well.<sup>43</sup>

#### PERSONAL RESPONSIBILITY

"Essential to the proper expression of loyalty to institution and unit is a deep sense of personal responsibility. It equates to the individual obligation to accomplish all assigned tasks to the fullest on one's capability; to abide by all commitments, be they formal or informal; and to seize every opportunity for individual growth and improvement. This value also requires of each of us a willingness to accept full responsibility not only for our own actions, but also for the actions of those in our charge."<sup>40</sup>

#### SELFLESSNESS

"The last, and perhaps most important, of the soldier qualities, is that of selfless service. Selfless service to the nation in general, and to the Army in particular, requires each of us to submerge emotions of self-interest and self-aggrandizement in favor of the larger goals of mission accomplishment, unit esprit, and sacrifice. In a profession where life itself is ultimately at stake, there is little tolerance for motives of self-interest or personal gain. Service in the professional Army requires teamwork in its most literal and ultimate sense--teamwork which unfailingly emphasizes the collective and greater good of the institution."<sup>45</sup>

## CHAPTER V

### THE RESPONSIBILITIES OF LEADERSHIP

Military leadership is an art--the process of human influence that welds individuals into cohesive organizations committed to achieving the assigned mission. Competent, effective leadership is the Army's key to success in the ultimate test of combat.<sup>46</sup>

It is a near certainty that every soldier in the Army will eventually find himself in a position of leadership. While the scope of his duties will vary--from the senior soldier in charge of a two-man fox-hole to the highest echelons of command tasked with managing the Army's readiness to defend the nation--the weight of his responsibilities will not. Thus, the time-tested principles of leadership apply to all echelons of the chain of command. As such, no distinction will be made here between the terms of commander and leader.<sup>47</sup>

#### AUTHORITY AND RESPONSIBILITY

There are two types of authority that define the conditions under which a soldier is authorized to direct others of lesser rank to do certain things--command authority and general military authority.<sup>48</sup> Each type of authority carries with it inherent responsibilities.

#### COMMAND AUTHORITY

This type of authority is exercised by virtue of the office held by leaders assigned to command positions at each echelon in the chain of command. Each leader in the chain of command is delegated enough authority to accomplish his duties and fulfill his responsibilities. Every leadership position holds two basic responsibilities. In order of priority, they are accomplishment of the mission and the welfare of the unit.<sup>49</sup>

#### THE MISSION

The fundamental responsibility of successful completion of the assigned mission is placed above all others. The mission of a unit is the only reason for its existence and that of its commander. Fulfillment of this responsibility cannot be accomplished without unity of effort which is derived from a common understanding of the unit's mission and a dedication to its achievement by all members of the unit.

While all other obligations are secondary, leaders are sensitive to how the mission is accomplished--within the boundaries of the Army Ethic and without unnecessary sacrifice of the unit's valued resources.<sup>50</sup>

### THE UNIT'S WELFARE

Second only to mission accomplishment, the unit's welfare is a constant and abiding concern of the leader. Normally, efficient mission accomplishment will help satisfy this responsibility.<sup>51</sup> This efficiency is achieved by competent preparation for and professional execution of the mission. And, when the basic human needs--physical, mental, and moral--are seen to by the leader through this process, the welfare of the unit is assured. The criticality of this responsibility is underscored by a paramount precept--every leader takes care of his unit before he sees to his own needs.<sup>52</sup>

### DELEGATION OF RESPONSIBILITY

A leader is held responsible for everything his unit does or fails to do. In relation to a superior, this responsibility cannot be delegated. However, in relation to subordinates, the leader delegates responsibility and the authority that goes with it among his subordinates. In this way, inherent responsibility is established at each echelon. It then becomes critical that the use of the chain of command be constant and continuous.<sup>53</sup>

### GENERAL MILITARY AUTHORITY

This authority is exercised by virtue of rank in the absence of command authority whenever and wherever the maintenance of good order and discipline, the dignity of the uniform,<sup>54</sup> the health and welfare of soldiers, or the requirements of an emergency require immediate and positive leadership.<sup>55</sup> A leader's obligation to exercise his general military authority when required is no less binding than the exercise of command authority, either to himself or those subordinate soldiers involved.

### LAWFUL ORDERS

In the process of executing his duties, a leader both issues and receives orders. They appear in many formats--verbal and written, policies, directives, and regulations. All persons in the military are required to promptly obey and execute the lawful orders of their superiors.<sup>56</sup> Conversely, no leader may issue nor may any soldier obey an unlawful order. Both acts are military crimes.<sup>57</sup>

A lawful order is issued by members of the Armed Forces authorized to do so under command or general military authority. Lawful orders pertain to specific military duties, or are those reasonably necessary to safeguard and protect the morale, discipline, and usefulness of the members of a unit and directly connected with the maintenance of good order in the nation's Armed Forces.<sup>58</sup> An order is unlawful if it is contrary to the Constitution, the laws of the United States, lawful superior orders, is beyond the authority of the official issuing it,<sup>59</sup> or is contrary to the Army Ethic.

The leader who issues an order is not only responsible for its lawfulness, but for its clarity and completeness as well.<sup>60</sup> It is his duty to insure the order is fully understood and can be accomplished within the resources made available.<sup>61</sup> The recipient of the order shares these responsibilities with the leader. He is held accountable for making sure he understands the letter and the intent of the order, that it is valid and lawful, and that he has or requests sufficient resources to accomplish the mission. He is further responsible for its prompt and efficient execution to include adjustments for or seeking additional support to accommodate unforeseen circumstances should they arise.<sup>61</sup> These are not responsibilities held lightly by either party--the costs, particularly in combat, demand their full attention.

#### INITIATIVES

It must be remembered that the letter of an instruction does not relieve the recipient from the obligation of common sense.<sup>62</sup> There is a clear distinction between compliance with the law and unthinking submission to regulations and orders. Regulations are not written to hamper or hamstring action clearly required by unexpected or exceptional circumstances. They are a general guide to conduct, and though they mean what they say, they are not completely inflexible. Unforeseen events can and do have the same impact on orders. It is then essential that all soldiers, and especially leaders, use plain common sense, acting according to the spirit of the instruction, so that it is clearly manifest that the best possible action was taken within the determining set of conditions.<sup>63</sup> This process is the essence of initiative and the leader is obligated to employ it when circumstances so demand. Further, the leader must report such initiatives as soon as possible for the actions of others may be affected. Finally, the leader accepts full responsibility for his initiatives without reservation.

#### LEADER-SUBORDINATE RELATIONS

The American people place a sacred trust in the leadership of the Army--the well-being of their sons and daughters who serve. This trust demands the competent and the just application of military authority<sup>64</sup>--command and general--that continuously addresses the professional development and individual welfare of each soldier.

The relationship between leader and subordinate begins with mutual respect. Individual dignity and human rights still belong to soldiers even though they forgo certain liberties available to civilians when they enter the Army. And, while the superior position of leaders must be preserved for the good of the service, that preservation is not at the expense of the individual equality of subordinates.<sup>65</sup> There is no room for professional smugness or undue concern about privilege in the Army's leadership.<sup>66</sup>

Relationships between leaders and subordinates which involve--or give the appearance of--partiality, preferential treatment, or the improper use of rank or position for personal gain, are prejudicial to good order, discipline, and high unit morale.<sup>67</sup> Such fraternizing relationships breed the contempt they deserve. They are avoided.

Fairness is paramount in all leader-subordinate interactions. Equal opportunity for all soldiers, irrespective of cultural differences, race, religion or sex is a Constitutional right.<sup>68</sup> The direct and continuous involvement of leaders at all levels ensures that these rights are maintained. The leader applies fair and evenhanded treatment towards all soldiers. He actively eliminates all divisive practices and unfair procedures.<sup>69</sup>

Finally, superiors lead by example whenever practical.<sup>70</sup> By so doing, leaders not only teach their subordinates the standards of the Army, but irrevocably demonstrate that those standards are necessary and that they can and will be met. Leading by example includes the sharing of hardship and hazard. Such leadership stimulates acceptance of the mission at hand and earns the leader the confidence of his soldiers--essential in dangerous situations where time is of the essence.

## CHAPTER VI

### CONDUCT IN COMBAT

"Throughout history, nations have called upon their soldiers in time of necessity to defend national interests by going to war. As newer weapons of warfare made it easier for man to kill his fellow man, nations became aware of a need to prevent unnecessary destruction of lives and property on the battlefield. The need to eliminate unnecessary death, destruction, and suffering is a reflection of military interests and of the moral values of civilized man. These values and interest are held by most peoples of the world. They have evolved into binding customs and formal laws of war, presented in the Geneva Conventions and Hague Regulations, which are legally binding upon virtually all governments and their forces."<sup>71</sup>

"The United States abides by the laws of war. Its Armed Forces, in their dealing with all other peoples, are expected to comply with the laws of war in the spirit and to the letter. In waging war, we do not terrorize helpless non-combatants if it is within our power to avoid so doing. Wanton killing, torture, cruelty, or the working of unusual and unnecessary hardship on enemy prisoners or populations is not justified in any circumstance. Likewise, respect for the reign of law, as that term is understood in the United States, is expected to follow the flag wherever it goes."<sup>72</sup>

### LAWS AND CUSTOMS OF WAR

The Geneva Convention of 1949 for the Protection of War Victims and the Hague Convention No. IV of 1907, Respecting the Laws and Customs of War on Land, are legally binding upon the United States and, in particular, on members of the Armed Forces.<sup>73</sup>

All soldiers have a legal and moral obligation to know and understand the following laws of war, to abide by them, and, if necessary to enforce them.

- **ONLY COMBATANTS WILL BE ATTACKED.** All persons actively participating in military operations are combatants. All others are non-combatants to include civilians, detainees of all types, medical personnel, chaplains, enemy soldiers attempting to surrender or too disabled to resist, and individuals parachuting from disabled aircraft unless they refuse to surrender upon

landing or are paratroopers. Though identification of combatants in guerilla warfare may be difficult, this requirement remains in effect.<sup>74</sup> It does not preclude engagement of enemy combatants intermingled with civilians but such situations demand positive identification, precise location, and application of only that force necessary to neutralize the enemy combatants in order to minimize innocent civilian casualties without sacrificing the unit's mission or accepting unnecessary friendly casualties.

- **ONLY MILITARY TARGETS WILL BE ATTACKED.** Cities, towns, villages, and other populated areas will not be attacked. Military targets within populated areas may be attacked if the mission so requires. However, only that force necessary to destroy that target, commensurate with minimizing friendly casualties, will be employed. Protected property--structures dedicated to cultural or humanitarian purposes--will not be attacked unless they are being used, at the time, for military purposes. Medical personnel, equipment and facilities may display the Red Cross symbol if their sole purpose is the care of the wounded, sick, and disabled. Personnel, equipment, and facilities so marked may not be used for any other purpose and they will not be attacked.<sup>75</sup>
- **ONLY LAWFUL WEAPONS WILL BE USED.** The use of poison, poisoned weapons, or poisonous agents is prohibited to include poisoning or contaminating any water or food supply, though they may be destroyed by other means. Weapons, ammunition, and materiel issued to soldiers of the United States Army are legal according to international law. They may not be altered in any way to cause unnecessary suffering to the enemy.<sup>76</sup>
- **ALL ENEMY CAPTIVES AND OTHER DETAINEES, REGARDLESS OF STATUS, WILL BE TREATED HUMANELY.** Enemy soldiers, indicating a desire to surrender, will be permitted to do so. Their safety will be assured as will that of any other type of detainee. They will not be subjected to any type of reprisal, revenge, humiliating or degrading treatment. No form of coercion, threats, or torture will be used in their interrogation. They will receive prompt and adequate medical care if sick or wounded. Protective items such as gas masks or parkas and personal items such as photos or jewelry of no military value will not

be taken from them. Captives will not be forced to do work that places them in harm's way or supports our combat activities. They may do work for their own protection and health.

- **CIVILIAN LIVES, RIGHTS, AND PROPERTY WILL BE RESPECTED AND PROTECTED.** This includes respect for their dignity, honor, family rights, religious beliefs and customs. They will be protected from acts of violence, threats, and insults. They will never be used as hostages or exposed to unnecessary danger. If military necessity or their safety so requires, civilians may be resettled. However, it will be done as humanely as circumstances permit. Civilian property of no military value, even in enemy towns or villages, will not be destroyed or taken. Retaliatory action against civilians for the actions of enemy combatants is prohibited.<sup>78</sup>
- **IT IS THE DUTY OF EVERY AMERICAN SOLDIER TO REPORT AND, IF POSSIBLE, ACT TO PREVENT VIOLATIONS OF THE LAWS OF WAR.** Preventive actions include immediate persuasion, solicitation of superior intervention, the use of physical force necessary to prevent the crime, or, at last resort, the use of deadly force if a life is in danger. Crimes must be reported through the chain of command immediately. If a superior is involved, the crime is reported to his superior. Soldiers cannot be ordered to commit a crime and they are obligated to disobey any such order.<sup>79</sup>

#### CODE OF CONDUCT

As soldiers in the United States Army, we have the duty at all times and under all circumstances to oppose the enemies of the nation and support its national interests. In training or in combat, alone or with others, while evading capture or enduring captivity, this duty belongs to each of us.<sup>80</sup>

Our conduct in the face of the enemy is prescribed by Executive Order 10631, Code of Conduct for Members of the Armed Forces, wherein it states, "Each and every member of the Armed Forces of the United States is expected to measure up to the standards embodied in this Code of Conduct while he is in combat or captivity."<sup>81</sup>

The Code has evolved from the heroic lives, experiences and deeds of Americans from the Revolutionary War to the present day. Its six articles address the concerns of Americans in combat, providing guidance to focus our courage, dedication, and motivation to continually resist the enemy regardless of circumstances in order that we may prevail and return home with honor and pride.<sup>82</sup>

Should a soldier's conduct stray from the Code, he must husband his courage, dedication, and motivation to regain the standards of conduct required, though he may still be held accountable for that lapse by the nation later. We, as his comrades in arms, are equally obligated to assist that soldier in regaining his ability to face and resist the nation's enemies as an American soldier.

CODE OF CONDUCT  
FOR  
MEMBERS OF THE UNITED STATES ARMED FORCES  
(Executive Order 10631, August 17, 1955)

I

I am an American fighting man. I serve in the forces which guard my country and our way life. I am prepared to give my life in their defense.

II

I will never surrender of my own free will. If in command I will never surrender my men while they still have the means to resist.

III

If I am captured I will continue to resist by all means available. I will make every effort to escape and aid others to escape. I will accept neither parole nor special favors from the enemy.

IV

If I become a prisoner of war, I will keep faith with my fellow prisoners. I will give no information or take part in any action which might be harmful to my comrades. If I am senior, I will take command. If not, I will obey the lawful orders of those appointed over me and will back them up in every way.

V

When questioned, should I become a prisoner of war, I am bound to give only name, rank, service number and date of birth. I will evade answering further questions to the utmost of my ability. I will make no oral or written statements disloyal to my country and its allies or harmful to their cause.

VI

I will never forget that I am an American fighting man, responsible for my actions, and dedicated to the principles which made my country free. I will trust in my God and in the United States of America.

APPENDIX A

THE CONSTITUTION OF THE UNITED STATES  
(Not Included)

Though not included, this studies recommends actual inclusion of the Constitution in the Army Ethic in the belief that soldiers who take a solemn oath "to support and defend the Constitution" ought to be provided a copy of it.

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4. Ibid., p. 1.
5. Ibid., p. 4.
6. US Department of the Army, The Department of the Army Manual, p. 1, (hereafter referred to as "DA Manual").
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8. US Department of the Army, Army Regulation 360-61: Community Relations, para. 1-5b.
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10. US Laws, Statutes, etc., United States Code, 1983, Vol. 3, Title 10, Sec. 3062, p. 465.
11. DA Manual, pp. 4-3, 4.
12. US Laws, Statutes, etc., United States Code, 1983, Vol. 3, Title 10, Sec. 502, p. 65.
13. US Laws, Statutes, etc., United States Code, 1983, Vol. 1, Title 5, Sec. 3331, p. 538.
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15. Lawrence Crocker, The Army Officer's Guide, p. 6.
16. US Department of Defense, Department of Defense Form 1A: Officer Certificate of Commission; US Department of the Army, Department of the Army Form 4872: Noncommissioned Officer Certificate of Promotion; US Department of the Army, Department of the Army Form 1290: Warrant Officer Certificate of Commission.
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18. Ibid.
19. Lawrence Crocker, p. 1.

20. DA PAM 600-2, p. 1.
21. FM 100-1, p. 25.
22. Ibid., p. 24.
23. Ibid.
24. Lawrence Crocker, p. 12.
25. US Department of the Army, Army Regulation 600-20: Army Command Policy and Procedures, p. 5-0 (hereafter referred to as "AR 600-20").
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27. AR 600-20, p. 5-0.
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31. FM 100-1, p. 25.
32. Ibid.
33. Ibid., pp. 25-26.
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36. AR 600-20, p. 5-0.
37. DA PAM 600-2, p. 189.
38. AR 600-20, p. 5-0.
39. FM 100-1, p. 26.
40. US Department of the Army, Training Circular 16-5: Army Character Guidance Program, p. 8, (hereafter referred to as "TC 16-5").
41. US Department of the Army, Army Regulation 623-105: Officer Efficiency Reporting System, p. 4-10, (hereafter referred to as "AR 623-105").
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43. TC 16-5, p. 8.

44. FM 100-1, p. 24.
45. Ibid.
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47. AR 600-20, p. 2-1.
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49. AR 600-20, p. 1-1.
50. RB 22-1, p. 5-3.
51. AR 600-20, p. 1-1.
52. DA PAM 600-2, p. 22.
53. AR 600-20, p. 2-1.
54. Ibid., p. 5-0.
55. DA PAM 600-2, p. 23.
56. AR 600-20, p. 5-0.
57. US Laws, Statutes, etc., United States Code, 1983, Vol. 3, Title 10, Chapter 47, "Uniform Code of Military Justice," Sec. 877, Article 77, p. 181.
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64. AR 600-20, p. 5-1.
65. DA PAM 600-2, p. 127.
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71. US Department of the Army, Training Circular 27-1: Your Conduct in Combat Under the Law of War, p.2, (hereafter referred to as "TC 27-1").

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73. US Department of the Army, Army Regulation 350-216: The Geneva Convention of 1949 and the Hague Convention of 1907, p. 1.

74. TC 27-1, pp. 5, 8, 10, 14.

75. Ibid, pp. 6-9.

76. Ibid, pp. 11-12.

77. Ibid, pp. 14-19.

78. Ibid, pp. 21-23.

79. Ibid, pp. 25-27.

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