



The Obligations of Military Professionalism



Service Unsullied by
Partisanship



Richard Swain, COL USA (Ret.)

December 2010

Report Documentation Page				Form Approved OMB No. 0704-0188	
Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.					
1. REPORT DATE DEC 2010		2. REPORT TYPE		3. DATES COVERED 00-00-2010 to 00-00-2010	
4. TITLE AND SUBTITLE The Obligations of Military Professionalism -				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) NDU's Institute for National Security Ethics and Leadership (INSEL), , , ,				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release; distribution unlimited					
13. SUPPLEMENTARY NOTES This paper is part of a larger project on military professionalism organized by NDU's Institute for National Security Ethics and Leadership (INSEL).					
14. ABSTRACT The purpose of this paper is to express a set of views on the ethical obligations of members of the American profession of arms in order to stimulate thoughtful discussion and broader debate about the proper limits of acceptable and effective professional conduct. These views are focused for most part on the obligations of commissioned officers, but they apply in many ways to the public and private conduct of senior non-commissioned officers, and indeed, all military members. They depend to a large degree on a particular understanding of the governing compact of this country and the behavior American citizens expect of their uniformed servants.					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT Public Release	18. NUMBER OF PAGES 26	19a. NAME OF RESPONSIBLE PERSON
a. REPORT unclassified	b. ABSTRACT unclassified	c. THIS PAGE unclassified			

This paper is part of a larger project on military professionalism organized by NDU's Institute for National Security Ethics and Leadership (INSEL). It was commissioned with two goals in mind:

- First, that it will inspire introspection and reflection by individual members and the military profession as a whole.
- Second, that it will encourage and enrich the discussion of these issues across the military education and training community.

The views represented here are those of the author, and not necessarily those of the National Defense University or the Department of Defense.

The Obligations of Military Professionalism
“Service Unsullied by Partisanship”

Richard Swain, COL USA (Ret)

The purpose of this paper is to express a set of views on the ethical obligations of members of the American profession of arms in order to stimulate thoughtful discussion and broader debate about the proper limits of acceptable and effective professional conduct. These views are focused for most part on the obligations of commissioned officers, but they apply in many ways to the public and private conduct of senior non-commissioned officers, and indeed, all military members. They depend to a large degree on a particular understanding of the governing compact of this country and the behavior American citizens expect of their uniformed servants.

As in any serious, thoughtful discussion between professionals, there will be aspects of these views that will not receive universal assent. Some positions will be challenged by other equally strong and honest views, grounded on other principles, other readings of the Constitution, and other understandings of the boundaries of the profession of arms. As a profession, we should have that discussion.

Beyond the universal agreement that the members of the Armed Forces must be bound by their Constitutional oaths, the provisions of their appointments in the case of officers, their enlistment contract in the case of the enlisted force, the statutes of the Congress and the regulations of the services, there can be areas of honest difference in application. There are times when the limits of discipline seem to conflict with the transitory demands of immediate importance, or when the requirements of individual roles or identities appear to be opposed. At times, private values can conflict with public policy. One must decide which will give way before the other. These choices are not cost free and should be considered before they occur.

This paper should be read as an aspirational statement, one of the ambitions of which is that these views be examined carefully, considered seriously, and debated thoughtfully. Where there are differences of opinion, the ground between them should be clarified and explored so the terms of the disagreement are better understood. The hope is that such an active discourse among members of the American military profession will lead to a better understanding of the nature and boundaries of military professionalism in the twenty-first century.

The paper, then, has three parts. The first will offer conclusions about professional values to which most can subscribe. The second will offer some judgments on application of the principles offered, based on these values and, the third, on where and how to draw lines between acceptable and unacceptable conduct, both public and private. Linking professional values,

judgments and conduct may help both active and retired members of an important profession to exercise self-discipline based on reflection and thus to regulate individual conduct so as to best serve the needs of the nation and her armed forces. All this comes down to respect for a standard of collective and individual service to the nation that is faithful to the principles of the governing compact and unsullied by inappropriate partisanship.

Principles of the Military Profession

Professions are identifiable vocations whose members' discretionary practice is warranted by society in expectation of reliable and effective application of some specialized knowledge or skill, mastery of which requires continuous study and practice. Professions are work-related groups of practitioners, who develop a sense of corporate identity and demonstrate a sense of collective responsibility for the quality of the service delivered and the reputation of their practice. Characteristically they seek some degree of control over education and certification to practice, though formal licensure normally remains a function of government.

For the purposes of this paper, membership in the military profession is limited to those men and women serving in the uniform of the several armed services of the United States. It acknowledges and addresses a certain emeritus status devolving on retired members but, since their vocation ceases to be the armed service of the nation, it seems logical that retirees, of whatever rank, can no longer be considered full members of the military profession. Similarly, Department of Defense Civil Servants and civilian employees of private security firms are considered to be outside the boundaries of the military profession.

The defining skill of the military profession involves the *disciplined* application of lethal force, or the credible threat thereof, in the service of the Nation. "The ultimate test for the armed forces," according to former JCS Chairman General John Vessey, "is the survival of the nation, but the service of every sailor, soldier, airman, Marine or Coast Guardsman is tested in less awesome ways every day. *It is the sum of the performance of all their members* [emphasis added] that defines the success of the armed forces."¹ Vessey argues that "there are no degrees of importance in the service you perform...whatever the duty is it is important."²

Because of the consequences of failure, the basic obligation of each military member is demonstrating competence in his or her prescribed duties and developing new skills in anticipation of future challenges. The primary responsibility of military leaders is doing everything they can to ensure the development of relevant skills and energy in their subordinates.

¹ General John W. Vessey, Jr., U.S. Army, "A Concept of Service," *Naval War College Review*, Vol. LI, No. 1, (Winter 1998), 156. Vessey's essay is interesting in that he uses Plato's concept of the guardians to address the considerations normally covered by the concept of the profession in contemporary discussion.

² *Ibid.*, 156

Technical competence is not sufficient in itself but, in its absence, even sterling character is of little use. Likewise, however, technical virtuosity, unaccompanied by the discipline of ethical boundaries, is unreliable, often counterproductive, and even dangerous to the values it claims to protect. It is therefore worthwhile pausing to think about the ethical considerations that ought to govern professional conduct.

There are two common ways to approach the derivation of ethical principles for the military profession. One begins with the nature of the military task described above. The other starts with the proposition that military professionals are creations of government and law. The former often becomes a treatise on just war theory, the latter a study of the philosophy of government. Both are germane and offer unique insights, but the separation of focus they engender is unfortunate, because these considerations are inextricably bound. For this project, both ethics and law are taken into account.

Here we offer four intermediate touchstones or principles of the professional military ethic. The first and least controversial is a principle of faithfulness, indeed fidelity to the Constitution. This is underlined by the second, the fact that the military commitment is one of “unlimited liability,” a clear-sighted description we owe to a distinguished British soldier and scholar, General Sir John Hackett.³ The third principle is respect for the vital importance of the connection of the United States Armed Forces with the American people. The fourth involves an ideal of service to the nation, unsullied by political partisanship.⁴ The precise meaning of this final principle is subject to some debate, as is its application to those retired officers who, having taken off their uniforms, question the need, or even propriety, of continuing to observe the professional restraint of their active duty years.

Fidelity to the Constitution is reflected in an oath. Article VI of the Constitution requires that: “The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, *shall be bound by Oath or Affirmation, to support this Constitution.*”⁵ Every member of the Armed Forces, officer or enlisted, swears an oath to this living document, an agreement “We

³ Lt.-General Sir John Winthrop Hackett, *the Profession of Arms: The 1962 Lees Knowles Lectures Given at Trinity College Cambridge* (London: The Times Publishing Company, Ltd [1962]), 63. (Page 40 in the U.S. Army Center of Military History (CMH Pub 70-18) edition.)

⁴ “An interview with Michael G. Mullen,” JFQ, Issue 54, 3^d quarter 2009, 10. “I think General Chuck Boyd [USAF] best summed it up when he addressed this issue during a commencement ceremony address at the Air War College in 2006. He said that the time for general and flag officers to express their opinions to civilian leaders is while they are on Active duty, in the halls of power—but to do so in private, and to maintain “purity from partisanship” once that time is over.”

⁵ Article VI. Emphasis added.

the People” made about how we will be governed. The oath of enlistment and the commissioning oath share these words: *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.* The oaths themselves are found in federal statutes. Notably the officer’s Constitutional oath is found in Title 5 and is the same oath administered to civilian officials. The enlisted version is located in Title 10.⁶

The Constitution is a compact of divided government, a fact that sometimes complicates the lives of senior officers and has been used, in at least one case, to justify a serving theater commander appealing over the head of the Commander-in-Chief to the Congress and the American people.⁷

The Constitution reserves certain powers to the states and divides national authority among three co-equal branches of the federal government. There is in the Constitution a Bill of Rights, enshrining the notion that surrounding each citizen is a certain area of individual rights that no government may infringe. This is the realization of Jefferson’s idea of “unalienable rights,” from the Declaration of Independence.

The framers created a government representative of and accountable to the people. The United States is a representative democracy, which is to say that our elected officials are empowered by the people to act in their name and on their behalf. The people, then, are given the power to remove their representatives at regular intervals, between times granting them the authority to govern within the bounds of law.

The framers of the Constitution were very careful about the existence and control of federal armed forces. They acknowledged the existence of the state militias but made creation of a federal force optional. More critically,, they insured the military’s subordination to civilian authority. They vested chief command in the President, while they reserved the creation and maintenance of the Army and Navy, as well as promulgation of the rules for their government, to the Congress. When the President and the Congress are at odds, senior military leaders can find themselves in the middle, obliged both to defend, as officers of the executive branch, policy of the President and to provide candid professional advice to the Congress.

When the Soldier, Sailor, Airman, Marine, or Coast Guardsman swears the oath to the Constitution, he or she accepts and promises to sustain this division and establishment of

⁶ Constitutional requirement notwithstanding, the Oaths have not always been to the Constitution. In the years prior to the Civil War, the oaths of service were to the United States of America. See LtCol Kenneth Keskel, USAF, “The Oath of Office: A Historical Guide to Moral Leadership,” *Air & Space Power Journal* (Winter 2002). Online at <http://www.airpower.au.af.mil/airchronicles/apj/apj02/win02/keskel.html>. Accessed 4 December 2010.

⁷ Sir John Winthrop Hackett, “The Military in the Service of the State,” in *War, Morality, and the Military Profession*, 2d Ed, Malham M. Wakin, Ed. (Boulder: Westview Press, 1986), 113-117.

authority, the principles enshrined in the Bill of Rights, and subsequent amendments that are the nation's warrant of justice and fairness. The Constitution requires obedience to treaties on the law of war, which the President has submitted and to which the Senate has given assent. An oath is an individual moral commitment made publicly. Its implications are worthy of serious consideration, especially by those who are prepared to die in their fulfillment.

There are other important expectations of military professionals. The enlistment oath obliges obedience to the orders of superior officers, and the commission enjoins the same of officers. The mere fact of the Constitutional oath carries with it the responsibility for strict adherence to the law, which no order can supervene.

Let us be clear: The oath and commission require obedience to superiors, including ultimately the President who is Commander-in-Chief. The "true faith and allegiance" they demand is to the Constitution, which empowers the chief executive.

Consistent with the ethos of government, and the principles that underlie the Constitution, there is an expectation of fairness and justice in the dealings of those, who, after all, are servants of the people. This is particularly the case in the responsibility assumed by military leaders for the welfare of the Soldiers, Sailors, Marines, Airmen, and Coast Guardsmen, who are citizens themselves, whose lives and welfare are the greatest trust the American people place in the hands of their government. Congress has seen fit to make this obligation explicit in Title 10 of the U.S. Code.⁸

The second principle identified above is the shared acknowledgement of the character of the military obligation as one necessarily involving "unlimited liability," the acceptance of the risk of serious harm or of death, true service before self. Though all federal employees, (save the President, whose oath is specified in the Constitution itself) take the same oath, "to protect and defend the Constitution," what distinguishes Soldiers, Sailors, Marines, Airmen, or Coast Guardsmen is that their commitment assumes an implicit willingness to lay down their lives, if need be, in defense of the people who "do ordain and establish this Constitution." The ultimate implications of this commitment are captured in what Lincoln called "the last full measure of devotion."

Sir John Hackett reflected on this ethic of sacrifice in a television interview some years ago. "The military makes demands," he said, "which few if any other callings do...The whole essence of being a soldier is not to slay but to be slain."⁹ In short, the acceptance of risk for others, not the infliction of grievous bodily harm, is the basis of the moral claim of the member of the profession of arms. At Gettysburg, Winfield Scott Hancock expressed this when he told

⁸ Sections 5947, 3583, and 85831.

⁹ Sir John Hackett, quoted in Gwynne Dyer, *War: The Lethal Custom* (New York: Carroll & Graff), 129.

subordinates concerned for his safety: “There are times when a corps commander’s life does not count.”¹⁰

That brings us to the third touchstone, or principle: respect for the vital importance of the connection of the Armed Forces with the American people. The relationship of the Armed Forces with the American people is both pragmatic and moral. The pragmatic fact is that the American people generally get the military they want. They pay the taxes that finance military salaries and buy military equipment, tanks, ships and planes. They, or their elected representatives, decide who will be eligible for or, in the past, required to join the Armed Forces, and who will not. Lose their trust and they won’t send their sons and daughters to serve under arms, and they certainly won’t buy the next generation of ships, planes, or combat vehicles, simply because military leaders say they need them.

More importantly, when the Armed Forces lose the support of the American people, service men and women lose confidence in the value of their sacrifices, the worth of their cause, and their trust in their leaders. Morale suffers. Discipline becomes problematic. The value of the support from the American people in the current wars is truly remarkable when one considers it extends to a volunteer force, which remains, still, the armed forces of the American people. This connection is vital to the health of the Nation and the morale and success of the service men and women of whom we ask so much.

The moral relationship with the American people is based on trust. The American people trust the Armed Forces with the armed defense of their nation. They trust military leaders with the lives of their spouses, their sons and daughters. They trust the Armed Forces to husband the resources they supply to provide for their defense. They trust military professionals to behave with legal and moral restraint when acting on their behalf and make known their displeasure when they stray. The American people trust the military forces to do their best to secure U.S. interests when ordered by their President, to be accountable to law, and not to threaten their lives and welfare when stationed among them.

To accomplish their work, the American people, their Congress, and their courts have allowed the Armed Forces to organize themselves as separate cultures, to restrict certain rights of their members, and to practice the profession of arms with great discretion. Betray their trust and the people can withdraw their support in all these respects. Congress can be very quick to change the rules and withdraw discretionary authorities characteristic of professions when they are convinced of institutional inattention or malfeasance. The American Armed Forces exist only by the will and with the support of the American people. American military professionals must never forget that.

¹⁰ Shelby Foote, *Stars in Their Courses; The Gettysburg Campaign* (New York: The Modern Library, 1994), 203.

The fourth principle addressed here is service to the nation, unsullied by improper partisanship. The role of the U.S. military is one of disinterested service, the commitment of self to the well-being of the nation. Critical to the contemporary American military ethos is a posture of neutrality toward both the political issues of the day—those questions that divide the electorate—that must be resolved by the Congress and courts, and electoral contests for public office. The military's standing as a profession depends to a great extent on its reliability as a willing instrument in the hands of whoever the Commander-in-Chief of the day may be. Should the Armed Forces, or its leadership, begin to dabble in partisan debates, they would risk their credibility as a neutral political instrument and usurp authorities the Constitution has reserved for others. Its standing as a legitimate public profession would be at an end.¹¹

This notion of partisan impartiality, of course, is a value that has not always been observed. In the early days of the Republic, political affiliation was a matter of consequence, as it was in the great volunteer Army that fought the American Civil War. Eventually the armed forces became more professional and more aloof from partisan issues.¹² George C. Marshall, perhaps the greatest American Soldier, certainly of the twentieth century, provided a model of professional reserve, which he carried even into the president's cabinet as Secretary of State and Secretary of Defense.¹³

There have been notable exceptions from professional reserve. President Eisenhower eventually requested relief from his position as SACEUR when political demands having to do with the Republican nomination began to interfere with his duties.¹⁴ He did not resign his commission until he was nominated, however. Naval officers remember the "Revolt of the Admirals" in 1949 over post-war defense strategy. Army Chief of Staff Matthew Ridgway, an officer of extraordinary character, publicly disagreed with President Eisenhower's defense policy for what

¹¹ Lawrence F. Kaplan, "Officer Politics; Generals used to be neutral," *The New Republic* (September 13 & 20, 2004), 23-25

¹² Phillip S. Meilinger, "Soldiers and Politics: Exposing Some Myths," *Parameters*, Vol. 40, No. 3 (Summer 2010), 74-86.

¹³ See George C. Marshall quoted in Forrest C. Pogue, *George C. Marshall; Statesman 1945-1959* (New York: Viking Penguin, 1987), p. 145. Upon his appointment as Secretary of State, Marshall responded to a question about his political future: "I am assuming the office of the Secretary of State, at least under present conditions, is non-political and I am going to govern myself accordingly. I will never become involved in political matters and therefore I cannot be considered a candidate for any political office."

¹⁴ General Dwight D. Eisenhower to President Harry S. Truman, 2 April 1952, *The Papers of Dwight David Eisenhower*, VOL XIII, *NATO and the Campaign of 1952*, ed. Louis Galambos (Baltimore, MD: The Johns Hopkins University Press, 1989), p. 1154. See also Dwight D. Eisenhower to General J. Lawton Collins, 15 March 1952, in *ibid*, pp. 1073-74.

were to him valid reasons. Conveniently, Ridgway reached the statutory retirement age at the end of two years as chief of staff. He was not reappointed.¹⁵ That said, it still repays reading General Ridgway's memoirs to acquaint oneself with his standards of professional conduct. Notable among Ridgway's principles were absolute candor in pre-decision advice and full commitment to carrying out the decision once put into execution—no matter one's doubts.¹⁶

Applying Professional Military Values to Public and Private Conduct

That, more or less, is a summary of the core values on which most American military professionals can agree. What makes the application of this or any set of principles, virtues, or values difficult is that they are not always in perfect harmony, nor are they always understood in precisely the same way. In hard cases, application requires thoughtful judgment and careful choice. There is no single approved alternative, though there are better and worse choices based on reflective understanding of implications and consequences. This is particularly the case with public criticism of policy choices. Respected military leaders have not always felt the same about the limits that should govern disagreement. It is, therefore, worth examining what these four touchstones mean to those who interact with civilian leaders, not least on behalf of the military profession as a whole.

Ethics and morals, doing what we should and doing what is right, are at the heart of who we are as military men and women. Today in Iraq and Afghanistan, the American people trust and require young Soldiers and Marines to make split-second moral and ethical decisions in a tough, chaotic environment, snap decisions that they and the American people will have to live with

¹⁵ A. J. Bacevich, "The Paradox of Professionalism: Eisenhower, Ridgway, and the Challenge to Civilian Control, 1953-1955," *The Journal of Military History*, 61 (April 1997), 303-34. Ridgway's own account accuses the President of announcing Ridgway's agreement with the President's program when Ridgway had made his disagreement explicit in writing. Ridgway also outlines his own view of the respective responsibilities of the professional soldier and the civilian executive authority. Matthew Ridgway, as told to Harold M. Martin, *Soldier: The Memoirs of Matthew B. Ridgway* (New York: Harper and Brothers, 1956), 259, 286-294.

¹⁶ Ibid, 342-352. "The point I wish to make here, and I repeat it for emphasis, is that the professional military man has three primary responsibilities: First, to give his honest, fearless, objective professional military opinion of what he needs to do the job the nation gives him. Second, if what he is given is less than the minimum he regards as essential, to give his superiors an honest, fearless, objective opinion of the consequence of these shortages as he sees them from the military viewpoint. Third, and finally, he has the duty, whatever be the final decision, to do the utmost with whatever he is furnished." p. 346. Compare to remarks by ADM Mullen at the Commencement Address for the U.S. Naval Academy As Delivered by ADM Mullen, Annapolis MD, Friday, May 23, 2008: "Few things are more vital to an organization than someone who has the moral courage to question the direction in which the organization is headed and then the strength of character to support whatever final decisions are made."

forever.¹⁷ Farther from the battlefield, military men and women make decisions fraught with moral and ethical consequences as well. It is important that such military professionals reflect on the values that should guide them in their actions before they are confronted with the requirement to decide or act.

When men and women join the armed forces, they willingly agree to subordinate their individual actions to the greater good of protecting vital national interests. They may be “citizens first, but they are also Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen by oath.”¹⁸ As such, they voluntarily give up certain freedoms that their civilian peers enjoy. Among these is full freedom of speech. This is not to say military leaders do not give candid advice in matters under their authority when appropriate. Rather it means that they limit their public speech out of respect for the discipline of service and the obligation of voluntary subordination to lawful authority. This is not a freedom taken, but one relinquished in part, voluntarily, for the good of the nation.

Members of the Armed Forces respect and obey the authority of the Commander-in-Chief, at whose pleasure they serve, and those other senior officials of government empowered by the American people and their elected leaders. As the Chairman of the Joint Chiefs of Staff has observed, they “do not have the right, nor should they ever assume the prerogative, to cast doubt upon the ability or mock the motives of their civilian leaders, elected or appointed.”¹⁹ Obedience to the authority of office is an essential military virtue, and upon this respect, military leaders should remember, rests their authority to command.²⁰

¹⁷ Australian Defence College, Remarks by Admiral Mike Mullen, Chairman JCS, February 22, 2008. “...and the Staff Sergeant who was walking me through this, as we were going through an actual execution of a simulated mission with a squad of Marines, is all of his description was centered on a young Marine who had to make an ethical and moral and split-second decision, small unit leadership in a very, very tough, chaotic environment. I think we all need to talk about this and certainly, individuals active or retired, who write on this are very much in favor, because I think it’s a subject that needs to be constantly out there and constantly discussed. And it’s the heart that’s at the heart of who we are as a people, in terms of both ethics and morals. And war is very tough and you have to make decisions that you’re going to live with the rest of your life. Underpinning that with an ethical and moral foundation, and doing that well, will certainly put an individual in a position to make the best decision in what, often times, is just an incredibly difficult set of circumstances. But it isn’t always just small squads or small units, because we all do that.”

¹⁸ Admiral Michael Mullen, “From the Chairman: Military Must Stay Apolitical,” JFQ, Issue 50, 3^d quarter 2008, 2-3.

¹⁹ Admiral Michael Mullen, “DOD News Briefing with Secretary Gates and Adm. Mike Mullen, June 24, 2010.” “We do not have that luxury, those of us in uniform. We do not have the right, nor should we ever assume the prerogative to cast doubt upon the ability or mock the motives of our civilian leaders, elected or appointed. We are and must remain a neutral instrument of the state, accountable to and respectful of those leaders no matter which party holds sway or which person holds a given office.”

²⁰ Admiral Michael Mullen, “From the Chairman: Military Must Stay Apolitical,” JFQ, Issue 50, 3^d quarter 2008, 2-3.

Respect for legally constituted authority is at the heart of the tradition that military advice to the President, or any superior for that matter, should be and must remain private when, given in public, it might appear to challenge the authority or have the effect of limiting the latitude to choose, vested in superior officials by the American people. At a more pedestrian level than constitutional principle, collaboration between agencies within government requires mutual respect. It is a fundamental responsibility of military leadership to model this respect at all times and to demand it of their subordinates.

Disagreement with authority takes a number of forms. Disagreement may be over questions of value or interpretation, over matters of policy, and over issues of politics—disagreement between contending political voices. These distinctions are different in kind and often overlap. The simple rule is that matters of personal *value* are personal and, for the most part, ought to be kept that way or labeled as such. This is particularly the case in public endorsement of religious commitments, where seniority of the speaker and nature of the activity may give the appearance of an unwarranted intrusion on a highly personal sphere. Article VI of the Constitution mandates that: “no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.” Service, then, in so far as its public status, is established as entirely secular.

Matters of interpretation involve arriving at an understanding about how things actually are. The resolution, or at least the clarification of differences in understanding, is essential in hierarchical organizations if subordinate execution is to be intelligent and informed by awareness of the motives and wishes of the superior whose vision subordinates try to realize. Disagreement over matters of understanding will happen frequently. Examination of differences should be encouraged, with all parties conscious that reasonable people can see things differently from divergent perspectives. Honest discourse, involving critical thinking and openness to difference of view, leads to better understanding by all parties, and more intelligent and enthusiastic action by subordinates who understand fully the decision-maker’s thought processes and intentions.

There are times and ways to disagree in public discussion without appearing to challenge the authority of the superior, though the more senior you get, the narrower the window of acceptability and the greater the importance of timing, if one does not wish to give the appearance of trying to box-in the decision-maker by narrowing his or her alternatives. In disagreement, it is important to grant decision-makers an assumption of honest intentions and, having presented the best evidence and argument available, to respect the responsible superior’s right to honest disagreement and, ultimately, to decide and direct. Superiors most often have a wider and often a longer-term viewpoint than their subordinates, something subordinates should take into account along with their own undeniably greater proximity to their immediate problem.

In the case of the military relationship with civilian authorities, the good to be protected is the government’s confidence in the good faith and loyalty of an apolitical military that will execute

its lawful orders, always to the best of its abilities. This requires reciprocal trust between civilian policymakers and senior military leaders, trust that must be built, not merely declared. It is this value of selfless service, unsullied by partisanship, which uniformed professionals have to guard and retain by their actions and discretion.²¹ The place of the professional at the table of the decision-maker rests in equal parts on the integrity of their actions, the quality of their professional advice, *and its political disinterestedness*.

Before a decision is made, it is altogether appropriate to argue forcefully and respectfully for your understanding of the situation, or your position on the issues *in private*. Subordinates should be encouraged to challenge their superiors' conclusions and, when available, to introduce new facts or alternative interpretations for consideration. Disagreement before the decision should be encouraged as a valuable contribution to decision-making. Even after a decision is made, when the consequences matter, it can be appropriate to see the decision-maker privately, to petition for reconsideration if the facts warrant. However, there comes a time when, having been heard or not, subordinates are expected to salute and obey or, finding that impossible, to walk away—quite simply to resign their position, retire, or leave the service.²²

In war, of course, the choices are starker, and walking away is seldom allowed. Matthew Ridgway strongly opposed an Allied plan to drop his division on Rome in World War II. Eventually, the high command decided not to execute the operation. It is useful to reflect on the fact that when the order came to abort the mission, Ridgway was preparing to lead his men into the action he had done everything he could to oppose, which he believed would lead to the destruction of his division. Ridgway is adamant that a commander has a moral obligation to oppose (but not to disobey) bad ideas that threaten his or her Soldiers for results disproportionate to their cost in blood. “The hard decisions,” he writes, “are not the ones you make in the heat of battle. Far harder to make are those involved in speaking your mind about some hare-brained scheme which proposes to commit troops to action under conditions where failure is almost certain, and the only results will be the needless sacrifice of priceless lives.”²³

²¹ Center for International and Strategic Studies – Admiral Arleigh Burke Lecture. Friday, January 29, 2010. Admiral Mullen: “But they have to do it correctly, and they really—the treasure here is the apolitical military, and it is, in my view, what we have to, I think, ensure we guard and retain at all costs in this democracy. ”

²² Admiral Mike Mullen Address to Command and General Staff College Students, As Delivered by ADM Mullen, Fort Leavenworth, Kansas, Tuesday, October 23, 2007. “I believe that the civil/military relationship wherein the elective leaders of our country essentially make the policy decisions and from a security standpoint we carry them out, is bedrock solid. I believe those, particularly those of us on active duty need to carry out our orders and that if we are unable to belong to an organization that is carrying out those orders, then the proper response is to vote with our feet and leave. “

²³ Ridgway, *Solider*, 80-83. A second case involves Operation Market Garden and the attempts by a young intelligence officer, Brian Urquhart, to convince his superiors that the British Division was going to drop on heavier

Senior officers should step aside when it becomes clear that they no longer enjoy the confidence of their superiors, not simply because their advice is not followed on any particular issue—there is a difference between giving advice and deciding—but when it becomes apparent through a series of issues that they have become ineffective in their role. The public consequences of this action being what they are, such decisions should be weighed carefully and courses of action selected with care. General Ron Fogleman, an officer who cares deeply about professional ethics and about personal accountability, retired early from the office of Chief of Staff of the Air Force when he believed he was so out of step with his superiors that the good of the Air Force required new leadership.²⁴ Admiral William Fallon resigned from command of United States Central Command when he believed certain views of his had been taken by the press to indicate disagreement with the President's policies.²⁵

The question of course, is not a simple one. Circumstances and views of respected leaders differ. Ultimately, too, Service Chiefs are Presidential appointees, but they are subordinate to the Secretary of Defense and Service Secretaries, and their appointments require approval of the Senate. According to David Abshire, Admiral Arleigh Burke, when Chief of Naval Operations, demanded to see the President to oppose the policy of the Secretary of Defense and Secretary of the Navy over retention of the draft. Eisenhower accepted Burke's argument, dressed him down

forces than expected. Urquhart was correct but ignored and sent off for a rest. The British division suffered very heavy losses and was forced to withdraw from "The Bridge Too Far." Ridgway fully intended to do his utmost to execute orders that he believed would lead to disaster. Urquhart had done all duty required to prevent the disaster that followed. Ridgway, *Soldier*, 77-83. Brian Urquhart, "The Last Disaster of the War," *The New York Review of Books* (September 24, 1987).

²⁴ General Ronald Fogleman, "The Early Retirement of Gen Ronald R. Fogleman, Chief of Staff, United States Air Force," edited by Dr. Richard Kohn, *Aerospace Power Journal* (Spring 2001). Online at <http://www.airpower.au.af.mil/airchronicles/apj/apj01/spr01/kohn.htm>. Accessed on 7 December 2010.

²⁵ Interview with Michael G. Mullen, "JFQ, Issue 54, 3^d quarter 2009, 8. [Admiral Fallon's own statement from Fox news on line, March 11, 2008: "Recent press reports suggesting a disconnect between my views and the president's policy objectives have become a distraction at a critical time and hamper efforts in the Centcom region. And although I don't believe there have ever been any differences about the objectives of our policy in the Central Command area of responsibility, the simple perception that there is makes it difficult for me to effectively serve America's interests there...I have therefore concluded that it would be best to step aside and allow the secretary and our military leaders to move beyond this distraction and focus on the achievement of our strategic objectives in the region." . Online at http://www.foxnews.com/printer_friendly_story/0,3566,336849,00.html. Accessed 21 December 2010.]

for embarrassing his superiors, and eventually kept him on as Chief of Naval Operations beyond the normal four-year term.²⁶

More recently, General Eric Shinseki did not retire early, although it had become clear he no longer had the confidence of senior civilian leaders in the Department of Defense. Likewise, General Peter Pace made explicit his belief that you serve until the nation tells you your services are no longer required. Pace remained in office to the end of his two-year term as Chairman, although the Secretary of Defense, Robert Gates, announced he would not renominate Pace for a traditional second term. In Pace's case, Secretary Gates made clear that he acted under Congressional duress and not for lack of personal confidence on his part in Pace's abilities or advice. The President acquiesced in Gate's decision. Nonetheless, there are clearly circumstances when military leaders must have the courage to step aside. This should be a rare occurrence and, when the time comes, it should be done with dignity and without personal acrimony or protest, with gratitude for the opportunities one has enjoyed.²⁷

Where are the lines?

Given that military professionals are bound to disagree at some point in their careers with their civilian leaders, where are the lines bounding appropriate public and private behavior? The first line for consideration is one's status, whether one's service is in the active forces, the reserve components, or on the retired list. This is a bright line, though less bright than some may think. Those on the active rolls, and reserve component personnel serving on active duty, are constrained by the discipline described above: candid advice when called for, full exertion in support of the decision when made, or retirement, resignation or request for relief over serious matters of interpretation of law, ethics, or morals. The time for disagreement is before the decision is made, when the superior can be assumed to be gathering advice and have time to reflect and respond to it. Advice that might be taken as challenging the authority of the superior to decide and direct should be delivered in private and with some modesty.

Retired and reserve component members are essentially civilians and, so long as they present themselves as such, would seem entitled to act with no more restraint than any other citizen. The retired officer who has made a distinguished second career as an academic, for example, should have full freedom to criticize as the professor that which the retired officer would not. Of course retired officers remain part of the armed forces, on the retired lists of their services. They are

²⁶ David Abshire, Admiral Arleigh Burke Lecture, Center for International and Strategic Studies, January 29, 2010. Online at: <http://www.jcs.mil/speech.aspx?ID=1319>. Accessed 27 February 2010. Burke served as CNO from 1955 to 1961.

²⁷ The comments by General David McKiernan at his retirement ceremony are a model worthy of emulation. See <http://www.army.mil/-speeches/2009/07/23/24777-gen-mckiernan-retirement-soeech/index.html>. Accessed 4 December 2010.

entitled to continue to use their titles, and retired flag officers, more or less routinely, continue to exercise such privileges as communication on star stationery. Some positive effort can be required to separate one's current role from one's prior identity.

Retired military members can and do run for elective office. Who would deprive the United States of the presidency of Dwight Eisenhower or the senatorial career of John McCain? Other military men have held important appointments in the executive branch of government after leaving active service, among them General Marshall, General Colin Powell, General Jim Jones, and General Barry McCaffrey. Certainly the nation has benefitted from their service, and by the nature of our government, such service is, in some degree, often partisan. Even George Marshall's tenure as Secretary of State became partisan, when the opposing party made it so.

The inconsistency comes, then, when retired officers present themselves as officers, albeit retired, and act without the appropriate political restraint expected of nonpartisan servants of the state. They become more problematic in the actions of retired leaders of the Armed Forces who feel obliged to play an active public role after they take off the uniform, or in the case of some, even to serve as public critics on the 24-hour news services long after they have any kind of currency or accountability for their military advice. Here the guidelines are less clear.²⁸

It is not enough simply to say one is retired and then take a public position on a matter of domestic policy, or criticize ongoing operations about which one likely is ill-informed, much less enter into collective engagements to exert public pressure on a particular resolution of contentious political issues, all based presumptively upon one's standing as senior officer. It is problematic when retired officers are used to promote or oppose public policy. At the very least, this practice can undermine the authority of responsible advisors. Finally, it can send a harmful message to young officers about the acceptability of public criticism of political leaders and policy agendas, which is no part of professional competence. In either case, promoting or opposing, it is particularly arrogant for former officers to presume to speak for those still serving, on issues about which professional discretion should prevent comment.

Retired officers, who very often have little opportunity to comment before the fact, and often possess less than full knowledge of the circumstances upon which decisions are made by responsible officials, might think back on their expectations of support from fellow professionals in their day. They should give those with today's responsibility the benefit of the doubt, and assume that they are trying to do the right thing, based on the circumstances as best they know them, and from a seat far closer to events than the retired leader, even if he or she just returned from a quick fact-finding trip to the locus of action. It may be entirely proper for former senior

²⁸ See General (Ret) John M. Shalikashvili, "Old Soldiers Don't Have to Fade Away," *Wall Street Journal* (Eastern Edition) (August 17, 2004, page A 19. Shalikashvili responded to an earlier essay, by Eliot A. Cohen, "General Malaise," *Wall Street Journal* (Eastern Edition)) (August 4, 2004), page A 12.

officers to rethink and even to recant advice given on important issues, but it is not proper for professionals to write exculpatory memoirs settling personal scores. The latter may salve an ego, but it undermines the current decision maker's trust in the confidentiality of advice from responsible leaders who follow.

There is an argument that, in a democracy, political leaders and electors have the right to, and indeed require, a broad spectrum of informed opinions, based on experience and expertise. Retired officers claim to provide both. Uncomfortable as that might be for incumbent officers and officials, this is not an argument easily dismissed *if* that advice is both well informed and responsible. It can be distracting and harmful when it is not. Still, taking an active role in political nominating conventions and publicly endorsing a candidate for President seem to involve a degree of politicization of the officer corps that does the nonpartisan traditions of the service no good. How can it be proper for a candidate for the highest elective office in the Republic to be required first to seek approval of senior members of the armed forces? How does it appear when fulsome endorsement is followed by ambassadorship or other public office? In general, the time for senior officers to give advice is while they are on active duty and accountable for the consequences.²⁹

Retired officers called to testify before Congress as retired officers would seem properly to be bound by the same lines of expertise as active duty officers are, unless they have other unique authority. Here again, there is an issue of currency, a limit that the witness should acknowledge, forthrightly, before commenting on matters requiring some immediate understanding. Moreover, it would seem useful, as well, to acknowledge that in many professional matters, there is no single reliable answer, that judgments on resolving complex situations vary, and that the adequacy of any particular alternative will be certain only after it has been tried. It is particularly harmful for active or retired officers to insert the military institution into the middle of partisan political debates properly the business of the political arms of government to resolve.

In 2006, seven former flag officers felt compelled to call for the replacement of the Secretary of Defense. That was clearly beyond the pale—not because these officers did not have the right as citizens to voice such opinions, but because their remarks were bound to be framed, as they were, as collective demands for Presidential action posed by a group of retired flag officers. That bumps up against civilian control of the military. The actions of a few retired officers risked the public trust vested in the entire military profession, both in terms of the political non-

²⁹ Interview with Michael G. Mullen, "JFQ, Issue 54, 3^d quarter 2009, 10. "I think General Chuck Boyd [USAF] best summed it up when he addressed this issue during a commencement ceremony address at the Air War College in 2006. He said that the time for general and flag officers to express their opinions to civilian leaders while they are on Active duty, in the halls of power—but to do so in private, and to maintain "purity from partisanship" once *that* time is over."

partisanship of the officer corps and respect for the necessary subordination of the American military to established civil authority.³⁰

The act could not be seen as anything other than a challenge to the authority of the President, a challenge that, as General (Ret) Charles Boyd later pointed out, was bound to be resisted precisely for that reason.³¹ Moreover, it was bound as well to confirm the suspicion of many Americans that the military was becoming increasingly politicized at a time when tens of thousands of American Soldiers and Marines were engaged in two very difficult wars. It was a very foolish and highly discreditable act and not particularly helpful to those serving officers who remained responsible for offering candid professional advice to the national leadership, some of whom were already said to be suspicious of the loyalty of their military advisors.

Senior officer advice rendered to political officials should be candid and confidential as circumstances permit, not least because of the propensity of the 24-hour news channels to seek and exaggerate any space they find between responsible officials and their advisors. In this environment, professional *advice* rendered by senior officers in public can easily become a tool turned against the responsible political leaders and can restrain improperly their freedom to decide on the full merits of the case. This concern, not to narrow the boundaries of choice, is the reason that responsible senior officers do not address, publicly, alternatives under consideration by political leaders. This forbearance is intended to leave the responsible and accountable decision maker the widest possible latitude of informed choice before the critics assemble.³²

³⁰ Admiral Mike Mullen Address to Command and General Staff College Students As Delivered by ADM Mullin, Fort Leavenworth, Kansas Tuesday, October 23, 2007. "Interestingly enough for me, when this issue kind of exploded a year, a year and half ago. As a personal story, I happened to be coming out of Chile and I had just been in Argentina. When I asked questions about this, and particularly just having come out of those two countries and how these two countries in particular have set up these democratic governments and who have civilian control of the military and I'm reminded when I'm there dealing with people, the citizens, I'm reminded that this was not 1870 that they were under military dictatorship, it was in my lifetime of being an officer in the 1970s. And it just reinforces for me the criticality of that civilian control of the military. I think we need to be very careful about jeopardizing that in any way, shape or form.

³¹ See remarks by General Charles Boyd, Air University Graduation, May 25, 2006. Downloaded from Alumni Association of Air War College on April 24, 2010, from http://www.airwarcollegealumni.org/8455.html?*session*id*key*=*session*id*val* No longer posted.

³² See Jonathan Alter, "Secrets From inside the Obama War Room," *Newsweek* (May 15, 2010). Online at <http://www.newsweek.com/id/238092/output/print>. Accessed May 5, 2010. See also Andrew J. Bacevich, "Obama Can't Stand Up to His Generals—and That's Dangerous," *The New Republic On Line* (October 4, 2010). Online at <http://www.tnr.com/blog/foreign-policy/78127/obama-cant-stand-his-generals-and-thats-dangerous>. Accessed October 6, 2010.

Questions involving important policy and matters of politics often overlap. Here the military subordinate must walk warily. The best rule is that issues of policy should be parsed according to the locus of authority to decide. For the most part, disagreement with the responsible decision-maker should focus on professional military assessments of feasibility, costs, risks, and outcomes. There may be instances in which fundamental national values are perceived to be at stake and there, senior officials must follow their professional conscience, wherever it leads. Where the matter becomes one of partisan politics, the military professional should be conscientious in limiting his views on the issue to his legitimate, professional concerns and avoid, wherever possible, taking a public position that might compromise his or his profession's standing for non-partisanship.

In dealing with the political and policy issues of the day, professional officers, *speaking as officers*, should stick to their brief. They have no business, as officers, challenging the announced policy of the Commander in Chief in matters of law reserved for legislative (Article I) and executive (Article II) resolution, save on the basis of providing legitimate professional expertise within the framework of advancing Constitutional authorities. One might argue that their role in selling a particular decision also should be limited to judgment of purely professional implications.

Military professionals should limit themselves to providing advice on military questions. The professional's brief is limited generally to providing advice on questions of *feasibility*—what can be done—and *efficacy*—the likelihood that the outcome desired by the policy maker will be achieved by the actions ordered. Officers responsible for the readiness of the Armed Forces can surely offer advice as to the impact on readiness likely to result from some action, so long as they do so in a proper forum and can provide credible support for their position. Speaking as professionals, the military leaders should be candid and confine themselves to those issues on which their expertise, or professional military judgment, can claim attention. The grounds of the advice should be clear. This is not to limit professional advice to purely technical considerations. For example, regional commanders, and their senior staff members, very often have insights into local situations that will be useful to policy makers and legitimately should be shared—in private—as part of their military expertise.

Military officers have useful advice to give on the consequences of changes in public policy, but not, as military leaders, on their social or political desirability or appropriateness. Even more to the point, as senior military leaders, they have no business using their inherent authority and prestige recommending, or appearing to recommend, that subordinates oppose the appropriate exercise of executive or legislative authority based on their personal views of public morality, however these are derived. The military are held to high ethical standards by the requirements of service and the expectations of the public, but claiming the role of acting as the moral compass of the nation is nothing but an arrogant conceit. It has led in some foreign states to military intervention in the constitutional process.

All that notwithstanding, any officer should provide honest professional advice on matters under their competence. What is intolerable to both discipline and professional corporateness are those who have the opportunity to object to a certain course before the decision, say nothing, then cavil after the fact when things do not turn out well, or perhaps worse, before that, when giving orders to subordinates, criticize the superior's decisions.³³

One of the most famous stories about General Marshall involves his interview with President Franklin Roosevelt, concerning Marshall's pending appointment as Army Chief of Staff. Eric Larrabee writes that Marshall told the President "he wanted to speak his mind without hesitation and that this might not always be pleasant." Marshall asked Roosevelt if that would be all right. The President replied that it would and Marshall rejoined, "You said yes, pleasantly, but it may be unpleasant."³⁴

You build that kind of candor in a profession by instilling it in your leaders. Junior officers should be encouraged, within the bounds of professional responsibility, to speak truth to authority. As Admiral Mike Mullen told the 2008 graduates at the Naval Academy, "few things are more vital to an organization than someone who has the moral courage to question the direction in which the organization is headed and then the strength of character to support whatever final decisions are made." Creating a climate that supports such candor requires much of superiors. Junior officers, and some more senior, often will feel that they are too distant from the locus of decision to make their voices heard. Commanders sometimes feel too busy to listen and in so doing miss an important part of their responsibilities.

The commander of the Continental Army welcomed advice from all and sundry, but pointed out that he was one and advisors many. Washington, while welcoming good ideas, directed that advice be forwarded to him through intermediate general officers.³⁵ In most cases, trust must be vested by all parties in the chain of command. Senior officers can show their worthiness of this trust by making themselves accessible when they can, taking the concerns of juniors seriously,

³³ Remarks by ADM Mullen at the Commencement Address for the U.S. Naval Academy As Delivered by ADM Mullen, Annapolis MD, Friday, May 23, 2008. "We give our best advice beforehand. If it's followed, great. If it's not, we have only two choices. Obey the orders we have been given, carrying them out with the professionalism and loyalty they deserve or vote with our feet. That's it. We don't get to debate those orders after the fact. We don't get to say, "Well, it's not how I would have done it," or "If only they had listened to ME." Too late at that point and too cowardly."

³⁴ Eric Larrabee, Commander in Chief: *Franklin Delano Roosevelt, His Lieutenants, and Their War* (New York: Touchstone Books, 1987), 109.

³⁵ George Washington, General Orders, Head Quarters, Cambridge, January 1st, 1776, in George Washington, *Writings* (New York: The Library of America, 1997), 197.

hearing them out, and explaining in the end why they do not agree, when they do not.³⁶ Dwight Eisenhower found the time, on the evening before D-Day, to walk around the encampment of the 101st Airborne and talk to the Soldiers who would lead the attack the following morning. Command is not a seminar in ethics, but the corporateness of a profession requires both mutual respect and a willingness of all members to exchange serious concerns in frank discussion.

Senior officers can be caught between their responsibilities as subordinates to the Commander-in-Chief and as officers bound to be candid with the Congress. On the one hand, they are bound to respect the President's authority to decide and command, and on the other hand, to meet the Congress's requirement for candid professional advice on which to legislate. Congressmen with an agenda opposed to the administration, of course, have no qualms about putting senior officers on the spot. It has become routine for the Senate to extract a promise from general officers nominated for senior positions to offer their personal judgment when asked, whether or not that judgment is in agreement with the policy of the incumbent administration.³⁷ General Eric Shinseki's testimony concerning the number of forces required to occupy Iraq provides a recent case in point. Shinseki, it should be noted, did his duty to the Constitution.

Such judgments, too, should be limited to those appropriate for the witness. Private opinions should remain that, private. Moreover, just as it is improper to seek to limit the executive's options by public statements before the fact, it is very treacherous ethical ground when senior military leaders attempt to challenge, or even reverse, policy or budgetary decisions by appealing, on their initiative, for Congressional action in opposition to the executive. These are actions of fine distinction of motivation. They must be made with full understanding of likely impact on the necessary relationship of trust required on both sides of the governmental divide.

The great difficulty, of course, comes with questions on which the subordinate or advisor, whether an active or a retired officer, is convinced that the *moral* cost of saying nothing exceeds

³⁶ National Defense University Commencement 2009, As Delivered by Adm. Mike Mullen, chairman of the Joint Chiefs of Staff, National Defense University, Fort Leslie J. McNair, Washington, D.C. Thursday, June 11, 2009. "I believe change is best led by leaders like you, people in the fight and in the know who set the example from within, not just by encouraging juniors to speak truth to power, but by truly listening when they do so, especially when you disagree. And by giving them credit for their ideas, and involving them in your decisions as you lead them, you will instill what General Chuck Boyd Calls "purity from partnership [sic – should be partisanship]," the most important virtue our military has – and impress upon them a grave sense of duty to our most valued institutions for life."

³⁷ United States Senate, S. Hrg 110-666, Hearings Before the Committee on Armed Services, United States Senate, One Hundred Tenth Congress, Second Session on Nominations....February 6; April 3; May 22, June 26; July 22, 2008. Hearing shows, on the Committee on Armed Services Form, Biographical and Financial Information Requested of Nominees, question 13; Personnel Views: "Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?"

the professional cost of breaking the bounds of professional propriety. Here, it seems the officer must be sure of his or her grounds, weigh the possibility that her or his understanding may be less well-informed than that of the responsible advisors, consider the possible impact of the intervention on the confidence of service members in their leadership and their cause, the impact on public understanding and subsequent confidence in their institutions and leaders, and the possible positive and negative effect on ongoing operations—all weighed against the short- and long-term costs of silence. In such matters, honest circumspection about possible outcomes and a little modesty about one's superior wisdom are perhaps all that one can expect.

Implications for the Education of Military Professionals

The condition of civil-military relations has been an issue for some time. It has been increasingly apparent for almost two decades in a willingness of officers, particularly, to disparage political leaders in public conversation, in the very public use of retired flag officers as legitimizing agents at party conventions, and in the comments of retired officers, appearing essentially as political commentators on call to the several 24-hour news networks, not because of who they are but on the basis of who they *were*. No doubt all this mirrors the increasingly sharp divisions in the nation's body politic that began to appear in the early 1990s. Notwithstanding the source, it is difficult to see how this development in the Armed Forces serves the health of the fundamental relationships so important to the life of the Republic. Indeed, the gulf between political parties increases, proportionally, the requirement for non-partisanship of the part of the Armed Forces and of all military professionals.

Members of the profession need to reflect on and discuss the limits of propriety in public speech and action. The spirit of the Constitutional oath implies no less, and the reputation for selfless service demands it. Arguments for speaking out and acting politically are often defended in terms of *Rights*, and opposition to the practice, in terms of *Responsibilities*. Rights and responsibilities often exist in tension, with responsibilities circumscribing exercise of the rights. The sacrificing of certain rights for the good of the nation and the discipline of the forces is one of the principal claims of military leaders on the respect of the public. This sacrifice does not end with retirement, so long as retired officers continue to present themselves as officers.

Retired officers, too, must continue to model the behaviors expected of the special trust and confidence on which their commission, even though dormant, continues to rest. They must ensure the currency of their information, respect the honorable intentions of those with whom they disagree, and comport themselves as citizens still holding the commission of service under the moral obligations that entails. All officers and leaders must guide their actions on the public welfare, the morale and good order of those still serving under arms and the credibility of the armed forces with the American people they serve.

Serving officers were reminded by General McCrystal's recent resignation that senior leaders remain fully responsible and accountable for the command climate in their organizations, particularly for the conduct of their official family.³⁸ Senior leaders must mentor younger service members and take an active role in developing their professional values. Responsible unit and division leaders need to listen well, both to the legitimate concerns of their subordinates and to casual comments, often made without thinking but inappropriate in the discourse of military professionals. Seniors have an obligation to help their juniors understand both the value of listening to and mentoring subordinates, and the necessity for professional discretion, particularly when it comes to respect for civilian control and the American people whom they serve. Senior leaders, active and retired, need to model correct behavior in all they do. The eyes of the troops—and of the American people—are always on them.

There is a story in the Marine Corps about a Vietnam-era Marine officer who reproved a young rifleman with the simple words "Marines don't do that."³⁹ General Peter Pace tells a story about his platoon sergeant, reminding him of his responsibilities simply by a disapproving look when young Lieutenant Pace, angered by loss of a young Marine to a sniper, prepared to use disproportional force against the village harboring the attacker. A simple look from an equally young but trusted subordinate reminded the lieutenant of his responsibilities to keep the honor of the officer, the Marine Corps, and the nation intact.⁴⁰ All service members, superiors and subordinates, share those obligations in war and in peace.

Our professional military education institutions—at all levels—need to ensure that officers and enlisted members understand the significance of their Constitutional oaths and that they reflect on the nature of their role as members of the profession of arms, as military men and women who are sworn servants of the American people, in our representative system of government. Armed Forces leaders need to focus more quality time and energy on consideration of professional military ethics and civil-military relations in PME schoolhouses. A recent Congressional report on PME argues that "Ethics education and training should keep pace with

³⁸ Admiral Mike Mullen, DOD News Briefing with Secretary Gates and Adm. Mullen from the Pentagon, June 24, 2010. "General McCrystal is responsible for his people, and he has every bit as much responsibility for what was in that and what his people said as the individuals who said it. And the accountability goes with that—and General McCrystal understands that completely, reflected by the fact that he offered his resignation."

³⁹ Mark J. Osiel, *Obedying Orders: Atrocity, Military Discipline & the Law of War* (New York: Transaction Books, 1999), 23,

⁴⁰ General Peter Pace, USMC, Vice Chairman Joint Chiefs of Staff, quoted by Jim Garamone, "Pace Passes Along Combat Lessons to West Point Class," (Washington, DC: American Forces Press Service, April 28, 2005). Online at <http://www.defense.gov/news/newsarticle.aspx?id=31329>. Accessed 7 December 2010.

the demands placed on our military leaders,” demands that include those on the battlefield, in garrison, and within the policymaking chambers of the U.S. Government.⁴¹

Mid- and senior-grade officers need to instill in themselves a sophisticated understanding of the working of government and the role of professional military advice in formation of national policies. Mid-grade and senior officers need to understand that an active interplay between civilian authorities and operational commanders in the field is not a burden, but a healthy form of discourse intended to harmonize practical actions with higher level goals.⁴² It is to be hoped that this interchange is always honest and forthright on both sides, but it is essential for the health of the nation that it be carried on on the basis of selfless subordination by the leaders of the armed forces, even when respect is not reciprocated.

Senior leaders need to reflect on their proper role in setting U.S. policy and strategy. Perhaps, they should reflect too on the differences between advice and advocacy, the requirements for candor in advice and full loyalty in execution. Finally, all military professionals need to take an active hand at reinvigorating within the profession an ethic of selfless service to the nation, unsullied by partisanship.

⁴¹ U.S. House of Representatives, Committee on Armed Services, Subcommittee on Oversight & Investigations, *Another Crossroads? Professional Military Education Two Decades After the Goldwater-Nichols Act and the Skelton Pane*, 163.

⁴² Landon Lecture Series Remarks As Delivered by Adm. Mike Mullen, chairman of the Joint Chiefs of Staff, Kansas State University, Manhattan, Kansas Wednesday, March 03, 2010. “Preserving our security interests is also better-ensured by what I consider my third and final principle. Policy and strategy should constantly struggle with one another. Some in the military no doubt would prefer political leadership that lays out a specific strategy and then gets out of the way, leaving the balance of the implementation to commanders in the field. But the experience of the last nine years tells us two things: a clear strategy for military operations is essential; and that strategy will have to change as those operations evolve...The worst possible world I can imagine is one in which military commanders are inventing or divining their strategies, their own remedies, in the absence of clear political guidance, sometimes after an initial goal or mission has been taken over by events. That’s why we have and need political leadership constantly immersed in the week-to-week flow of the conflict, willing and able to adjust as necessary but always leaving military commanders enough leeway to do what is expected of them.”

Enclosure 1: Enabling Virtues

Beyond the four basic common values, there are what one might call *enabling* virtues, expected of members of the Armed Forces. The services have their separate lists,⁴³ but they might be summarized as responsibility and accountability, discipline, integrity and candor, duty, loyalty, and self-sacrifice. The officer's commission indicates that appointment is predicated on the appointee's *patriotism, valor, fidelity, and abilities*. The public criticism that accompanies any dereliction in these values by military figures is ample evidence that their observance is expected. Sir John Hackett, mentioned before, observed that courage, fortitude, and loyalty "acquire in the military context, in addition to their moral significance, a functional significance as well."⁴⁴

Responsibility has to do with taking ownership of your obligations. Accountability means holding yourself subject to reckoning afterwards for all that you and those acting under your authority do and fail to do. Accountability means learning from experience. "If you are wrong, admit it. If you have erred, correct it." Together, responsibility and accountability mean always striving to conduct yourself in such a manner "that it can never be said that you demand less of yourself or of the men and women in your charge... than that which is expected of you by your family or your countrymen."⁴⁵

Discipline, obedience, and respect for authority enable the military to function effectively and are the guarantee of the nation's trust that the armed forces will act only in their interest and under the command and control of civilian authority. Discipline provides the will to do what should be done. George Washington taught us that "Discipline is the soul of an [a]rmy. It makes small numbers formidable, procures success to the weak, and esteem to all."⁴⁶

⁴³ **Army:** Loyalty, Duty, Respect, Selfless Service, Honor, Integrity, Personal Courage; **Navy and Marine Corps:** Honor, Courage, Commitment; **Air Force:** Integrity First, Service Before Self, Excellence in all We Do; **Coast Guard:** Honor, Respect, Devotion to Duty.

⁴⁴ Hackett, *The Profession of Arms*, 45. For a discussion of service values, see U.S. Department of Defense, *The Armed Forces Officer* (Washington, D.C.: NDU Press and Potomac Books, Inc., 2007), 43-50. In a speech at the U.S. Air Force Academy, Hackett listed *fortitude, integrity self-restraint, personal loyalty to other persons, and the surrender of the advantage of the individual to the common good*. Hackett, "The Military in the Service of the State," 119.

⁴⁵ Remarks by ADM Mullen at the Commencement Address for the U.S. Naval Academy As Delivered by ADM Mullen, Annapolis MD, Friday, May 23, 2008.

⁴⁶ Colonel Robert Debs Heintz, Jr., USMC (Ret.), *Dictionary of Military and Naval Quotations* (Annapolis, MD: United States Naval Institute, 1988), 93.

Integrity and candor are required to earn the trust that must exist between the people and their Armed Forces, and between the members of an armed force and their commanders if they are to remain coherent under conditions of danger and privation.

Duty, “the sublimest virtue,”⁴⁷ is what motivates doing what is expected in the face of danger, or even simple inconvenience. It is what ensures that the troops and their leaders will stick until the job is done, or the staff officer will remain at his desk in the Pentagon until the message is sent to dispatch the authorization to build the tool the force in the field requires. Duty accompanies the midnight watch onboard ship on a stormy night and the squad on outpost in the Afghan cold.

Loyalty and self-sacrifice are related. Loyalty to the Constitution has already been addressed. Loyalty to subordinates is required if loyalty to command is expected in return. Loyalty to the force on your left and right, manifested in the willingness to stick when sorely tried, is what wins reputations. “There is Jackson, standing like a stone wall! Rally behind the Virginians!”⁴⁸

⁴⁷ Sometimes attributed to a letter from Robert E. Lee to his son, now generally agreed to be apocryphal.

⁴⁸ G. F. R. Henderson, *Stonewall Jackson and the American Civil War* (New York: Da Capo, 1988), 110.