CHAPTER TWO

# The Profession of Arms

Humans fight as individuals and as groups. Some fight primarily for money, some for love of fighting, and some for lack of alternative opportunities. Others fight for love of country and civic duty. As noted by General Sir John Hackett, "From the beginning of . . . recorded history physical force, or the threat of it, has always been freely applied to the resolution of social problems."<sup>1</sup> Human societies—from tribes and city-states to empires, organized religions, and nation-states—have regularly established and relied on groups of specialists who, willingly or unwillingly, assumed the burden of fighting, killing, and dying for the larger group. Whatever the formal name or title given to these groups, theirs is the profession of arms.

It is a basic premise of civilized societies, especially democratic ones, that the military serves the state (and by extension, the people), not the other way around. The profession of arms exists to serve the larger community, to help accomplish its purposes and objectives, and to protect its way of life. As Samuel Huntington put it in *The Soldier and the State*: "The justification for the maintenance and employment of military force [or military *forces*, for that matter] is in the political ends of the state."<sup>2</sup> In wartime or in peacetime, at home or abroad, the Armed Forces serve the larger society and perform the tasks their government assigns them.

In his classic study *The Profession of Arms*, General Hackett stated, "The function of the profession of arms is the ordered application of force in the resolution of a social or political problem."<sup>3</sup> The essential task of its members is to fight, individually and collectively; of its officers, to direct and lead those who apply the instruments of destruction to achieve assigned ends. With rare exceptions, a society's government identifies the problems to be resolved with force, and it then turns to and relies on the professionals to handle the always difficult, usually dangerous, often bloody details in a manner acceptable to the citizens and supportive of their goals.

The most basic task of the profession of arms is the armed defense of the society, its territory, population, and vital interests. In its most elemental sense, the profession of arms is all about fighting and all about *war*. As the 19<sup>th</sup>-century Prussian strategist and student of war Carl von Clausewitz observed, "For as long as they practice this activity, soldiers will think of themselves as members of a kind of guild, in whose regulations, laws, and customs the spirit of war is given pride of place."<sup>4</sup> The defining mission of the Armed Forces is the preparation for and the conduct of war, which includes securing the military victory until peace is restored politically. It is the warfighting mission that determines how forces are organized, equipped, and trained.

Whatever its particular forms, this unique and specialized service to the Nation gives the military profession its own nature and distinctive status. Because those responsibilities include the potentially wholesale taking and losing of life, the military profession stands alone, in its own eyes and in the eyes of those it serves. Its members must always be conscious of their commitment: to be prepared to give that "last full measure of devotion."<sup>5</sup> They serve at frequent cost to their convenience, comfort, family stability, and often their limbs and lives. It is ultimately because of their willingness to endure hardship and risk life and limb on behalf of the Nation, not the willingness to kill and destroy in the Nation's name, that members of all the Armed Forces enjoy the respect and gratitude of the American people. Theirs is a higher loyalty and purpose, or rather a hierarchy of loyalties, which puts nation above service, service above comrades in arms, and comrades above self. Soldiers serve the Nation; they fight and die for each other.

The commitment to the Nation is a two-way street between the individual military member and the larger society. Society invests much—its safety and security, its hopes and ideals, much of its treasure, and the best of its men and women—in the Armed Forces. For the member of the profession of arms, fulfilling society's demands and expectations means investing one's best as a professional and as a person. As General Hackett observed, "Service under arms has been seen

at times and in some places as a calling resembling that of the priesthood in its dedication."<sup>6</sup>

Like the priesthood, the profession of arms is a *vocation*, a higher calling, to serve others, to sacrifice self, to be about something larger than one's own ambitions and desires, something grander than one's own contributions and even one's own life. This is a recurring and central theme in discourses on the profession of arms. Reflecting on "General George C. Marshall and the Development of a Professional Military Ethic," Josiah Bunting III noted that the "ethical leadership of George Marshall provided many lessons[s] including: an officer never is to take the counsel of his ambition."<sup>7</sup> At the dedication of the U.S. Army War College, Secretary of War Elihu Root told the assembled audience and, by extension, all military members: "Remember always that the highest duty of a soldier is self-abnegation. Campaigns have been lost for no other cause than the lack of that essential quality."<sup>8</sup>

This hierarchy of loyalties has several formulations in the United States Armed Forces. In the Air Force, it is "service before self." In the Navy, it is "ship-shipmate-self." The Army defines the value of loyalty as a hierarchy of responsibilities to the Constitution, service, unit, and other Soldiers. The basic idea is that there is always something larger, something more important than the individual. Service in the Armed Forces is not primarily about self, but rather about others—fellow citizens and fellow military members. In Huntington's words, "The military ethic is basically corporative in spirit."<sup>9</sup>

The loyalty to fellow military members has its roots and its rationale in the ultimate activity of the Armed Forces—combat and war. What Lieutenant General Harold G. Moore, USA (Ret.) and Joseph L. Galloway wrote in the prologue to their memorable book about Vietnam could have been said by soldiers of any nation about any war: "We discovered in that depressing, hellish place, where death was our constant companion, that we loved each other. We killed for each other, we died for each other, and we wept for each other."<sup>10</sup> The classic statement of this perennial and honorable theme is in Shakespeare's *Henry V*:

We few, we happy few, we band of brothers; For he today that sheds his blood with me Shall be my brother. Given the stakes, it is no wonder that the profession of arms invokes and requires, in the words of the U.S. military officer's commission, "special trust and confidence."

"The modern officer corps is a professional body and the modern military officer is a professional man."<sup>11</sup> So wrote Huntington in 1957, in the first sentence of chapter 1 of *The Soldier and the State*. Historians would dispute that the status was recent, or even unassumed, in 1957. Some parts of this sentence, such as the masculine noun and its restriction to the officer corps, are now out of date. But Huntington's basic thesis was that the military belonged in the ranks of the classic professions, including the clergy, medicine, and law. The military possessed what Huntington took to represent the "distinguishing characteristics of a profession as a special type of vocation . . . *expertise, responsibility*, and *corporateness* [emphasis added]."<sup>12</sup> Experience has shown the importance of a fourth characteristic, a professional ethic and an *ethos*.

For Huntington, as well as other authors, *profession* is not a term to be thrown about loosely. The concept of "a profession" is an abstract, inductive, descriptive device adopted by 19<sup>th</sup>- and 20<sup>th</sup>-century social scientists to examine similarities and differences among characteristics present in particular kinds of human organizations for work—particularly medicine, law, and clergy. Experts disagree somewhat on the particulars of those characteristics, and their relative importance, but tend to agree on this point: "A profession is a peculiar type of functional group with highly specialized characteristics."<sup>13</sup> The nature and forms of professions evolved significantly in the 20<sup>th</sup> century, and it is safe to say that the structure and organization of the medical profession, the paradigmatic case, has changed a good deal since Huntington wrote in the mid-1950s.

Huntington's basic argument—that the modern military is a profession—is widely accepted today, certainly in the United States.<sup>14</sup> The concern now is not to *prove* that the military is a profession, but rather to inspire men and women in uniform to reflect the expected characteristics of professionals in their day-to-day activities: to hold themselves and others to uniformly high standards of performance and conduct, lest they lose the discretion in performance that is the acknowledgment of professional status. On his first day as Chairman of the Joint Chiefs of Staff, General Martin E. Dempsey wrote a letter to the Joint Force in which he identified his key themes as Chairman, one of which was: "We must renew our commitment to the Profession of Arms. We're not a profession simply because we say we're a profession. We must continue to learn, to understand, and to promote the knowledge, skills, attributes, and behaviors that define us as a profession."<sup>15</sup> For General Dempsey and for others, it is not in the *saying* but in the *doing* that the heart of a profession lies.

Influenced by Huntington, General Hackett wrote that the military occupation

has evolved into a profession, not only in the wider sense of what is professed, but in the narrower sense of an occupation with a distinguishable corpus of specific technical knowledge and doctrine, a more or less exclusive group coherence, a complex of institutions peculiar to itself, an educational pattern adapted to its own specific needs, a career structure of its own and a distinct place in the society which has brought it forth.<sup>16</sup>

This chapter describes four elements that are widely accepted as characteristic to any profession: special expertise, a collective and individual responsibility to serve society, a sense of "corporateness," and a professional ethic and ethos.

#### Expertise

A distinguishing characteristic of any profession is authority for discretionary application of a unique knowledge, based on society's implicit trust that members will apply their particular skills reliably, effectively, honorably, and efficiently. Thus, a profession is an identifiable body of practitioners granted authority (by the larger society) for discretionary practice of a unique and necessary skill.

A profession has a body of *expertise*, built over time on a base of practical experience, which yields fundamental principles and abstract knowledge; which normally must be mastered through specialized education; which is intensive, extensive, and continuing; and which can then be applied to the solution of specific, practical problems. "Professional knowledge . . . is intellectual in nature and capable of

preservation in writing. Professional knowledge has a history, and some knowledge of that history is essential to professional competence."<sup>17</sup>

The body of specialized knowledge changes over time, as various factors evolve or new ones appear. One responsibility of a profession and of its individual members is to acquire and apply this new information, integrating or synthesizing it into the existing body of knowledge. This is done through formal education, in professional schools, and through individual and collaborative experiential learning "on the job." Individual professionals share experiences, insights, and knowledge, engage in continuous learning, and serve as faculty or instructors in various professional schools and courses. Continuing self-development is one of the hallmarks of a profession and its individual members.

In describing the expertise of the profession of arms, Huntington used political scientist Harold Lasswell's phrase "the management of violence," which he went on to say involves "(1) the organization, equipping, and training of [the] force; (2) the planning of its activities; and (3) the direction of its operation in and out of combat."<sup>18</sup> Many will recognize in the first category the functions that Title 10 of the U.S. Code assigns to the three military departments<sup>19</sup> (Army, Air Force, and Navy).<sup>20</sup> Much of the second and third types of work is done, in the United States, by the Combatant Commanders and the Chairman of the Joint Chiefs of Staff under guidance and direction from the Commander-in-Chief and the Secretary of Defense.

The management of violence draws on a body of knowledge developed over centuries, through organized reflection on historical and personal experiences; from this reflection come abstract principles, which have been honed, transmitted, and advanced in professional military education institutions, so that military professionals can apply them to the solution of practical military problems. In book two of *On War*, Clausewitz explains how military theory grew out of the reflections of individual warriors on their own personal experiences, especially in war:

As these reflections grew more numerous and history more sophisticated, an urgent need arose for military principles and rules whereby the controversies that are so normal in military history—the debate between conflicting opinions—could be brought to some sort of resolution. . . . Efforts were therefore made to equip the conduct of war with principles, rules, or even systems.<sup>21</sup>

The traditional notion was that this specialized knowledge in the management of violence was to be applied to "fight and win the nation's wars." However, this traditional notion does not exhaust the variety of tasks societies give their organized and uniformed fighters. Because they are disciplined and armed organizations, with a wide range of skills and capabilities, military forces are called upon frequently to perform other important missions in service to the state, such as maintaining civil order at home and abroad and providing disparate forms of civil relief in times of crisis or disaster. It is important not to think that the primary mission for which the Armed Forces are organized, trained, and equipped is the *only* mission society may legitimately give them.

Society may change the terms of the services that it expects, or even demands, a particular profession will provide. Accordingly, a desire on the part of citizens to change the definition of the services they expect can lead the profession to expand the range of services it has traditionally provided. In the United States, the Army, in particular, has been used at various times to perform internal development, to promote exploration, to maintain order, to enforce Federal law, and even to run Civilian Conservation Corps camps during the Great Depression of the 1930s. The U.S. Coast Guard's principal roles involve maintaining the security and safety of the Nation's ports and waterways and enforcing Federal laws and treaties on the high seas. Traditionally, detachments of Marines guard U.S. embassies abroad, and Air Force and Navy lift assets and technical units are regularly pressed into service providing transportation for relief supplies in disasters at home and abroad. The organizational and planning skills of Armed Forces officers are often transferable to nontraditional assignments, and no less valuable than their material contributions. Sir David Richards, a former Chief of Defense Staff in Great Britain, writes that: "The armed forces' great strength lies in our capacity to analyse a problem, plan a solution and then implement it under pressure."22 The U.S. Armed Forces are expected to bring great skill and enthusiasm to all assignments.

### Service to Society

A profession has a responsibility to provide a useful, even critical, service to the larger society. In exchange for the service that a profession provides, the society grants to members of that profession certain privileges, prerogatives, and powers that it does not extend to the rest of its citizens.

The American people have granted the Armed Forces: custody of nuclear weapons; extraordinary latitude in managing their own affairs, including their own legal code (the Uniform Code of Military Justice<sup>23</sup>); the Federal courts' customary reluctance to interfere with the chain of command's management of good order and discipline; a high degree of discretion in the use of lethal force to accomplish assigned missions; and a set of benefits beyond the reach, or claim, of most citizens. The traditional deference to military management of military affairs is not absolute. Society, especially in a democratic political system, always reserves the right to intervene when it thinks that military values and practices should change to conform to public norms. Article I of the Constitution vests in the Congress the power and the authority "To make Rules for the Government and Regulation of the land and naval Forces," and Article II vests chief command in the President of the United States.

Others outside the profession may claim equivalent or superior expertise, and challenge the "monopoly" of relevant knowledge that the recognized military profession has traditionally claimed and enjoyed. This can lead to jurisdictional disputes over who is a professional and who may legitimately provide certain services to the public.

In the second half of the 20<sup>th</sup> century, with the emergence of nuclear weapons, the purposes on which the military's specialized knowledge focused were transformed, to include something that had never been even imagined by previous generations of military professionals: *nuclear deterrence*. Nuclear deterrence appeared to many soldiers as a condition analogous to traditional uses of military force, but it was qualitatively different because of the magnitude and imminence of continuous catastrophic threat. The addition of this new and critical concern for the traditional body of specialized knowledge led to a "jurisdictional dispute" with experts outside the uniformed community and to the emergence of civilian nuclear strategists, not military

officers, as the dominant intellectual force in the development and evolution of nuclear strategy. The results were paradigm-changing. In 1946, strategic analyst Bernard Brodie wrote, "Thus far the chief purpose of our military establishment has been to win wars. From now on its chief purpose must be to avert them."<sup>24</sup>

No military professionals had any experience, or even any theoretical background, in using nuclear weapons to deter war. So, enter the economists, game theorists, systems analysts, operations research specialists, historians, and political scientists, who, taken together, claimed to have more expertise relevant to deterring nuclear war than the uniformed military. Thus, the classic texts on nuclear strategy were written by civilians, and not by uniformed military professionals in whose hands execution of nuclear war largely remained, albeit with significant close oversight. At the same time, military practitioners were forced to rethink the use of conventional military forces within the context of a potentially nuclearized strategy. Moreover, in a world threatened by nuclear oblivion, the discretion of military practitioners everywhere was significantly curtailed. Global communications permitted the President and his civilian aides to become involved in military execution at levels never dreamed of by President Lincoln in the War Department telegraph office. Professional autonomy was significantly reduced.

The last decades of the 20<sup>th</sup> century saw the rise of defense consulting firms and nonprofits, concentrated in the Washington, D.C. area, which now compete aggressively with statutory advisors in providing advice on the full range of military-strategic subjects to both executive and legislative branches. Numerous retired military officers have found a lucrative base for continued involvement as rivals of their appointed successors, or substitutes for required personnel beyond Congressional manpower ceilings within the defense structure. Yet another contemporary example of such a jurisdictional shift can be seen since 2001 in the unprecedented use of civilians working for private security companies to do many tasks performed since the 18<sup>th</sup> century largely by uniformed members of the Armed Forces. In short, the assumed monopoly of uniformed professionals over the practice of supposedly unique military skills has become contested throughout the field of military practice.

#### Corporateness

A profession has a sense of what Huntington called, somewhat awkwardly, *corporateness*, which he defined as "a sense of organic unity and consciousness of themselves as a group apart."<sup>25</sup> There are at least two important dimensions of this corporateness: a shared identity, and the wish to exert control over membership in the profession. The shared identity comes from the culture and ethos of a profession.<sup>26</sup> It reflects a sense of common endeavor and can be manifested in the adoption of distinctive titles and/or distinctive attire, and reciprocal recognition of members. The titles and attire are visible manifestations of a deeper, invisible identity shared by the members of the profession.

In the Armed Forces, the most visible manifestation of this shared identity is the uniform. "The uniform regulations of the Navy, for instance, point out that 'uniforms are distinctive visible evidence of the authority and responsibility vested in their wearer by the United States."<sup>27</sup> More broadly, this identity as members of the Armed Forces of the United States (or any other country) is shared among those "who wear the cloth of the nation." U.S. law generally prohibits wearing of the uniform other than by members of the Armed Forces of the United States.<sup>28</sup>

The more practical aspect of corporateness is that the members of the military profession have significant influence over the criteria for entrance into the profession.<sup>29</sup> They exercise this influence by setting and enforcing standards for practice, standards that are made public and must be publicly defensible. In the United States, or for that matter in most (maybe all) countries, no man or woman can declare himself or herself to be a Soldier, Marine, Sailor, Airman, or Coastguardsman.<sup>30</sup> Rather, in the United States, persons who aspire to that status must apply to join. The individual Service then screens the candidates according to public standards set by the Congress and Department of Defense, and accepts some applicants conditionally. These applicants are sent to one form or another of initial military training. Upon successful completion of that training, the Service then accepts those individuals officially into its ranks. "Certification and testing to become a full-fledged professional member of the Armed Forces are achieved upon completion of specific [initial military training requirements] where one

earns the title of Soldier, Marine, Sailor, Airman, or Coastguardsman." Indeed, a fundamental purpose of any initial military training is to help transform a civilian into a military professional.

Beyond initial acceptance into the ranks of the profession of arms, it is the profession, through the evaluation by its leadership at various levels and not solely the desire of the individual military member, that determines who remains and who advances in the profession—and who must leave, again according to publicly stated standards promulgated under authority of law.

Advancing in the profession is, of course, reflected in promotions to successively higher ranks and positions of increasing authority. This process reflects an older notion of stages in a career, one that goes back to the medieval guilds with apprentice, journeyman, and master levels. In the words of a former Sergeant Major of the Army, "Just as other professions have entry level or apprentice, mid-level or journeyman, and senior or expert levels within their professions, we have levels of competence within our Army."<sup>31</sup>

In some cases, an individual military member may wish to stay in uniform, but the professional leadership of the Service has determined, through one mechanism or another, and for one reason or another, that he or she has not measured up to the standards of the profession or is believed to possess less potential than others for future success, and thus will be discharged or permitted to retire. In this way, commissioned officers are central actors in setting and enforcing the standards for membership or advancement in the profession of arms.

## **Ethics and Ethos**

Professional status is reflected most dramatically in a body of *professional ethics* and a *professional ethos*, which are related but not identical. Professional ethics are the moral standards to which the profession is committed and held. Much of the professional ethic is spelled out in official documents, such as Title 10 of the U.S. Code, the Uniform Code of Military Justice, and the Code of Conduct for members of the Armed Forces of the United States.<sup>32</sup> In contrast, a professional *ethos* is the collective and *internal* sense of what each member must *be* as a member of the profession. It is felt more than known. In ancient Greek,

*ethos* meant what is customary. Customs and expected behaviors lend much of the flavor that any profession is said to possess. In this sense, the *ethos*, which includes the tribal wisdom and oral tradition handed on from one generation to the next, is the standard-bearer of the profession.<sup>33</sup>

An ethos is more intangible than a professional ethic, though its importance is central to the notion of a profession, and more especially to a *professional identity*. An ethos is more about what it means to *be* a member of that profession than it is about what members of the profession *do*. One *must do* certain things because one *is* a member of a certain profession, and one *must not do* certain other things, also because one *is* a member of the profession. In many important ways, the ethos is the defining characteristic of any profession.

The professional military ethos includes much that is written but not official or authoritative, such as General of the Army Douglas MacArthur's famous "Duty, Honor, Country" speech at West Point,<sup>34</sup> the Marine Corps' motto *Semper Fidelis*, the Coast Guard's *Semper Paratus*, and the spirit of each military Service's core values. It also includes much that is not written down or published at all, much that is intangible but nonetheless central to the identity that makes a Soldier, Marine, Sailor, Airman, or Coastguardsman. Service ethos is the foundation of *esprit de corps*, the "sense of unity and of fraternity in its routine existence which expresses itself as the force of cohesion in the hour when all ranks are confronted by common danger."<sup>35</sup>

Because, in the commission, the President of the United States reposes "special trust and confidence in the patriotism, valor, fidelity, and abilities" of the named individual, officers have particular and weighty responsibilities as custodians of the profession of arms.

A useful framework for professional military ethics and its ethos has three parts: the Individual in the Profession, the Profession at Work, and the Profession and Society. The next several chapters elaborate these three categories of professional military ethics, in particular how they apply to officers: the profession of arms, the ethical use of force, leadership, command, civilian control of the military, and the military's and society's values. Notes

<sup>1</sup> Sir John Winthrop Hackett, *The Profession of Arms* (New York: Macmillan, 1983), 9.

<sup>2</sup> Samuel P. Huntington, *The Soldier and the State: The Theory and Practice of Civil-Military Relations* (Cambridge: Belknap Press, 1985), 65.

<sup>3</sup> Hackett, 9.

<sup>4</sup> Carl von Clausewitz, *On War*, ed. and trans. Michael Howard and Peter Paret (Princeton: Princeton University Press, 1976), 187.

<sup>5</sup> Abraham Lincoln, "Address Delivered at the Dedication of the Cemetery at Gettysburg, 19 November 1863," in *Abraham Lincoln: Great Speeches* (Mineola, NY: Dover Publications, 1991), 104.

6 Hackett, 9.

<sup>7</sup> Josiah Bunting III, "General George C. Marshall and the Development of a Professional Military Ethic," *Footnotes* 16, no. 4 (June 2011), 4.

<sup>8</sup> Elihu Root, *The Military and Colonial Policy of the United States* (Cambridge: Harvard University Press, 1916), 128-129.

<sup>9</sup> Huntington, 64.

<sup>10</sup> Harold G. Moore and Joseph L. Galloway, *We Were Soldiers Once . . . and Young* (New York: Harper Perennial, 1993), xviii.

<sup>11</sup> Huntington, 7.

12 Ibid., 8.

13 Ibid., 7.

<sup>14</sup> The Army has taken the position that there is an "Army Profession," encompassing all members of the Army institution, distinct from the "Army Profession of Arms" that is made up only of uniformed members. The Army defines this "Army Profession" as a "unique vocation of experts certified in the design, generation, support, and ethical application of landpower, serving under civilian authority and entrusted to defend the Constitution and the rights and interests of the American people." The Army has issued a publication explaining the various canons of membership. See Army Doctrine Reference Publication (ADRP) 1, *The Army Profession* (Washington, DC: Headquarters Department of the Army, June 2015), "Preface," v, and paragraphs 1–10, 1–2.

<sup>15</sup> Martin E. Dempsey, "General Dempsey's Letter to the Joint Force," October 1, 2011, available at <www.dodlive.mil/index.php/2011/10/general-dempseys-letter-to-the-joint-force/>.

<sup>16</sup> Hackett, 9.

<sup>17</sup> Huntington, 8.

18 Ibid., 11.

<sup>19</sup> See U.S. Code, Title 10, Sections 5013 (b)—Secretary of the Navy; 8013 (b)—Secretary of the Air Force; and 3013 (b)—Secretary of the Army.

<sup>20</sup> The Department of the Navy includes two military Services: the Navy and Marine Corps.

<sup>21</sup> Clausewitz, 134.

<sup>22</sup> General Sir David Richards, *Taking Command: The Autobiography* (London: Headline Publishing Group, 2014), an e-book on Kindle, position 4993 of 6468 (chapter 16). For a related article about the general presence of a high level of managerial skills in the officer corps, see Adam Davidson, "Rebuilding the Middle Class the Army Way," *The New York Times Sunday Magazine* (December 15, 2015), MM16, available at <www.nytimes.com/2015/12/20/magazine/rebuilding-the-middle-class-the-army-way.html?rref=collection/sectioncollection/magazine&action =click&contentCollection=magazine&region=rank&module=package&version=highlights&contentPlacement=8&pgtype=sectionfront&\_r=1>.

<sup>23</sup> U.S. Code, Title 10, Chapter 47.

<sup>24</sup> Bernard Brodie, *The Absolute Weapon* (New York: Harcourt Brace, 1946), 78.

<sup>25</sup> Huntington, 10.

<sup>26</sup> See, for example, Ann E. Rondeau, "Identity in the Profession of Arms," *Joint Force Quarterly* 62 (3rd Quarter 2011), 10-13.

<sup>27</sup> Navy Personnel Command, "United States Navy Uniform Regulations," available at <www.public.navy.mil/bupers-npc/support/uniforms/ uniformregulations/Pages/default.aspx>, 32.

<sup>28</sup> U.S. Code, Title 10, Section 771—Unauthorized Wearing Prohibited, states: "Except as otherwise provided by law, no person except a member of the Army, Navy, Air Force, or Marine Corps, as the case may be, may wear—(1) the uniform, or a distinctive part of the uniform, of the Army, Navy, Air Force, or Marine Corps; or (2) a uniform any part of which is similar to a distinctive part of the uniform of the Army, Navy, Air Force, or Marine Corps." The statute goes on to identify a few specified exceptions to the general prohibition.

<sup>29</sup> Congress, of course, retains its Article I powers cited above, and civilian officials in the executive branch retain their Article II powers.

<sup>30</sup> The Noncommissioned Officer and Petty Officer: Backbone of the Armed Forces (Washington, DC: NDU Press, 2013), 24.

<sup>31</sup> Former Sergeant Major of the Army Kenneth Preston, as quoted in *The Noncommissioned Officer and Petty Officer*, 24.

<sup>32</sup> Executive Order 10631, "Code of Conduct for members of the Armed Forces of the United States," available at <www.archives.gov/federal-register/codification/ executive-order/10631.html>.

<sup>33</sup> Michael Boylan, *Basic Ethics* (Upper Saddle River, NJ: Prentice Hall, 2000), 154.

<sup>34</sup> Douglas MacArthur, "Thayer Award Acceptance Speech," West Point, NY, May 12, 1962, available at <www.americanrhetoric.com/speeches/PDFFiles/Douglas%20 MacArthur%20-%20Thayer%20Award%20Address.pdf>.

<sup>35</sup> *The Armed Forces Officer* (Washington, DC: U.S. Government Printing Office, 1950), 164.