



## The Officer and Society: The Vertical Dimension

The relationship between the U.S. military profession and American society has two dimensions: the vertical, which is the domain of civilian control of the military; and the horizontal, which involves how practices and values in the military mesh—or do not mesh—with practices and values in the larger society the military is sworn to serve. Officers are engaged in both dimensions. This chapter will address the vertical dimension; the next chapter, the horizontal.

### Constitutional Foundation

The military is subject to control by the three branches of the national government in accordance with their separate authorities under the Constitution. Civilian control of the military is deeply embedded in the American DNA, going back at least to the Declaration of Independence, which included as one item in its bill of particulars against King George that “He has affected to render the Military independent of and superior to the Civil Power.”<sup>1</sup> Some 11 years later, after winning independence from Great Britain and still echoing that grievance, the drafters of the U.S. Constitution assigned every power related to the Armed Forces to civilian officials. Article I, Section 8, states that “the Congress . . . shall provide for the common Defense . . . of the United States,” and further gives to the legislative branch the following important powers:

- to define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations
- to declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water
- to raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years
- to provide and maintain a Navy
- to make Rules for the Government and Regulation of the land and naval Forces;
- to provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions
- to provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress.<sup>2</sup>

Article II, Section 2 gives other powers to the executive branch, in particular the power of command of the United States Armed Forces to the “President [who] shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into actual Service of the United States.” Article II, Section 3, states that the President “shall Commission all the Officers of the United States.”<sup>3</sup>

Article III establishes a Federal judicial system with a supreme court holding responsibility for review of the proceedings of inferior courts, one category of which are those created by the legislative branch to exercise military law.

The officer’s commission includes an obligation of obedience, in particular to the orders of the President or the President’s successors. Moreover, in accordance with Article VI of the Constitution, all “executive and judicial Officers, both of the United States and the several States, shall be bound by Oath or Affirmation to support this Constitution,” an obligation which includes respect for the authorities embedded in Articles I, II, and III.

Further specifying civilian control, Title 10 of the U.S. Code establishes the chain of command for the Armed Forces of the United

States, placing two civilians in authority over all operational military commanders:

*Chain of Command.*—Unless otherwise directed by the President, the chain of command to a unified or specified combatant command runs—

(1) from the President to the Secretary of Defense; and

(2) from the Secretary of Defense to the commander of the combatant command.<sup>4</sup>

Service secretaries within the Department of Defense exercise executive civilian control over the several military departments.

Formalizing civilian control of the military in the Constitution and Federal statutes flows from the underlying theory of democracy, namely, that the people are sovereign and exercise their authority through elected representatives and officials. Writing in the latter half of the 20<sup>th</sup> century, Morris Janowitz highlighted the underlying problem: “Analysis of the pressures of civilian control over the military leads ultimately to the full complexity of the American federal and pluralistic system of government.”<sup>5</sup> The first words of the Constitution embody this theory: “We the People of the United States . . . do ordain and establish this Constitution for the United States of America.” Those elected by the people have preeminence and authority over those in uniform, who are not chosen by the people, but rather appointed and commissioned by responsible civilian authority.

So accepted is this principle that even American popular culture makes only rare forays challenging the subordination of the military to the civilian. Perhaps the last significant example was the popular 1962 novel and 1964 film *Seven Days in May*, which appeared at the height of the Cold War. Worth noting, though, is that the hero in both is the fictional Marine Colonel Martin “Jiggs” Casey, who sees indications that some members of the Joint Chiefs of Staff are planning to take over the government and alerts the President to the plot. The President then thwarts the plot and forces the scheming Chiefs to resign. The military ethos (at least in the person of Colonel Casey) and civilian control ultimately prevail, even in fiction and film.

The superiority of the political over the military is not a notion unique to the United States or even to democratic societies. Carl von

Clausewitz, the professional military officer and theorist writing in early 19<sup>th</sup> century Prussia, argued that political considerations trump military “requirements”:

*Subordinating the political point of view to the military would be absurd, for it is policy that creates war. Policy is the guiding intelligence, and war only the instrument, not vice versa. No other possibility exists, then, than to subordinate the military point of view to the political.*<sup>6</sup>

For this to work today, military commanders, even at the most senior levels, must be subordinate to civilian political leaders, who formulate and implement policy in the name of the sovereign people. The Constitution, to which soldiers swear fealty, is in the end a compact of representative government.

To be sure, some countries today are run by their armed forces, but around the world the prevailing practice and, one might argue, the aspirational ideal is civilian control of the military, regardless of the nature of the political system. Notably, an important criterion for membership in the North Atlantic Treaty Organization is “the establishment of civilian and democratic control over military forces.”<sup>7</sup>

While all U.S. military members, including officers, are sworn to support the Constitution’s mandate of civilian control, the practical application of civilian control of the military plays out differentially within the officer corps. Junior officers have little *direct* engagement with civilian leaders; but as officers rise in rank, especially to general/flag officer levels and senior command and staff positions, interaction with civilian officials becomes a central part of their professional lives.

Civil-military interactions are influenced by cultural differences between the professional military and the civilian officials they serve. The distinguished military historian Russell Weigley traces the phenomenon back to colonial days:

*From the beginning, career soldiers perceived themselves as occupying a somewhat hostile environment, distrusted by American civilians—which indeed they were, because American civilian culture had absorbed an English tradition inimical to standing*

*armies even before any such armies appeared in the colonies that were to become the United States.*<sup>8</sup>

“The larger issue,” Weigley continues, “is that historically American soldiers and civilians have always represented two different cultures.”<sup>9</sup> Most U.S. Presidents and their senior political appointees have spent their adult lives as civilians, immersed in the civilian culture. So to some extent, the issue of civil-military relations, including civilian control of the military, falls in the realm of cultural anthropology, in that each side is to some extent a stranger to the other.

In the United States, the issue of *authority* is the easy part of civilian control of the military. Civilian superiority is enshrined in the Constitution and statutory law, and has been the prevailing practice for the life of the Constitution. More complex and challenging are issues of the relative influence and institutional power of civilian officials and of senior military officers. Weigley captures the essence of the problem:

*The modern issue of civilian control . . . entails assuring [sic] that the military will not be able to use its bureaucratic influence and its claim to special expertise to bend larger national policy to the service of military institutional desires. . . . The danger to civil control was not anything so unsubtle as a coup, but rather that of a disproportionate military influence on policymaking, conditioned by an increasingly distinct (because professional) military interest.*<sup>10</sup>

The influence and power of the military institution, which is simultaneously both a profession, in terms of identity, and a bureaucratic organization, in form of structure, should not surprise any student of organizational behavior. As a profession, the military can overreach its legitimate area of special expertise, and as a bureaucracy, as any budget cycle demonstrates, military departments can distort national strategy through exercise of control over expenditure of significant resources. Max Weber identified the underlying phenomenon: “Under normal circumstances, the power position of a fully developed bureaucracy is always overtowering.”<sup>11</sup>

## Unequal Authority and Asymmetric Knowledge

One approach to framing discussion of the complexities and challenges of civilian control of the military is to think of it in terms of unequal authority and asymmetric expertise. As Richard Betts notes in his study of civil-military relations, “At issue is the tradeoff between control and expertise. Imbalance on either side may have positive or negative effects, depending on the particular values and expertise involved.”<sup>12</sup> Eliot Cohen calls the resulting relationship “an unequal dialogue—a dialogue, in that both sides express their views bluntly, indeed, sometimes offensively, and not once but repeatedly—and unequal, in that the final authority of the civilian leader [is] unambiguous and unquestioned.”<sup>13</sup> It is almost inevitable that tension arises between authority and expertise.

If the authority is unequal, its exercise is influenced by the practical requirement of each for the skills of the other. The expertise of civilian and military leaders is best described as “asymmetrical,” meaning different in scope and content, rather than unequal.

Earlier portions of this book noted how the authority of the military professional rests upon the claim of extraordinary expertise in the application and management of large-scale deadly force, reflected in mastery of the technical capabilities (and limitations) of lethal and nonlethal weapons systems; in possession of a significant regional expertise and personal contacts; and in the unique ability to design and execute operational strategies and tactics deploying and employing military forces to achieve desired outcomes. At the same time, senior civilian leaders possess their own special knowledge and skills upon which the soldier depends for ultimate success. Generally speaking, senior civilian officials are likely to know more than senior military officers about such matters as the possibilities residing in international relations; economic-political connections; diplomatic arrangements and initiatives; U.S. and foreign domestic political considerations; and the array and manipulation of the capabilities of the various departments of the national government. These skills are critical to the development and execution of policy and strategy at the highest level. At the very top, they set the context and provide the rationale for the contribution of the military to national purposes. They give substance to the notion that *armed forces don't make war, nations do*. Most important,

final responsibility for harnessing all the means of national power to achieve national ends resides with civilian officials, including the choice of ends and the decision to employ military forces.

Military officers should resist any temptation to insist that their opinions on such matters are superior to those of civilian political leaders. First, the subject matter most often exceeds the soldier's professional brief and competence, and second, as Samuel Huntington asserted, "No commonly accepted political values exist by which the military officer can prove to reasonable [people] that his political judgment is preferable to that of the statesmen."<sup>14</sup> Senior uniformed officers, with their distinct competitive advantages in military matters, must remind themselves that most crises and issues that rise to the highest levels, such as the National Security Council, are not uniquely and exclusively military in nature, and therefore that varieties of expertise in addition to—and not instead of—military expertise must be brought to bear in policymaking and decisionmaking. Multidimensional issues call for multidimensional solutions, which require meshing or integrating a rich variety of perspectives and skills within a particular policy perspective. Former Chairman of the Joint Chiefs of Staff General Richard B. Myers makes the point regarding the role the Secretary of Defense plays in reviewing operational plans:

*[One] might think it was inappropriate for a civilian to say [he could] improve a military commander's plan. But the most critical elements in any operational plan were the assumptions that went into it. Many of these assumptions were political or geopolitical in nature, and therefore the Secretary would normally have great insight into their appropriateness.*<sup>15</sup>

Again, Clausewitz reminds us that "the nature of the political aim, the scale of demands put forward by either side, and the total political situation of one's own side, are all factors that in practice must decisively influence the conduct of war."

Clausewitz goes on to address what one might call "the division of labor" between professional military officers and their political masters:

*We can now see that the assertion that a major military development, or the plan for one, should be a matter for purely military*

*opinion is unacceptable and can be damaging. Nor indeed is it sensible to summon soldiers, as many governments do when they are planning a war, and ask them for purely military advice. But it makes even less sense for theoreticians to assert that all available military resources should be put at the disposal of the commander so that on their basis he can draw up purely military plans for a war or a campaign.*<sup>16</sup>

## **Making the Civil-Military Relationship Work**

It is easier, of course, to describe this relationship of unequal authority and asymmetric expertise than it is to make it work effectively in the real world of policymaking and crisis management. In a thoughtful study of civil-military relations published in 2009, former Deputy Secretary of Defense John White and Sarah Sewall, who herself has held senior academic and government positions, captured the problem and pointed to ways to manage it more effectively:

*In many respects, the civil-military relationship is an awkward construct. It demands the subordination of leaders in the military profession to civilians who, almost by definition, lack equivalent knowledge and expertise. It often forces civilians to make decisions on military issues by relying on their non-military knowledge even when analogies may not work; civilian leaders therefore require assistance from the military profession. The relationship requires that the two sets of actors divide their roles even as it becomes increasingly difficult in practice to differentiate between political and military judgments. It calls for partnership in the service of the Constitution even as individual actors face competing political, institutional, or Service loyalties.*<sup>17</sup>

Such a partnership must be built on mutual understanding, humility, and trust—characteristics intuitively admirable in principle, but which demand continual, difficult efforts by all parties, often in the most challenging circumstances where the stakes can be enormous, the costs and risks hard to specify, and the dangers formidable,



sometimes imminent. Successful management of these challenges calls for *education* across that cultural and expertise gap: to help civilian officials understand practical military considerations (the “assistance from the military profession” that White and Sewall cite), and to help military leaders appreciate the broader context and complexities of the situation. Here the Nation’s most senior military officers serve as the critical nexus. General Charles Boyd made the point sharply in an address to Air University, “Your task—indeed your responsibility—is to help them [civilian officials] make the right decisions. With all the power of persuasion you can muster, and at whatever personal risk you perceive that may require, you must tell your bosses what your professional judgment dictates.”<sup>18</sup>

At the very top of the profession of arms, the U.S. Armed Forces are linked institutionally with the constitutional structure of government by the offices of the Chairman of the Joint Chiefs of Staff and the Joint Chiefs of Staff, under the authority of the Secretary of Defense and the President in his constitutional capacity of Commander in Chief of the Armed Forces. Though the Chairman and the Chiefs do not hold command, or exercise direct authority beyond their particular staffs, the Chairman is by law the senior uniformed officer of the U.S. Armed Forces, and the Chiefs of Staff are the senior officers of their respective Services. Under Title 10, the Chairman is “the principal military adviser to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.”<sup>19</sup> The Chairman and Service Chiefs of Staff provide the interface between professional competence and civilian authority, both in the structure of the separate military departments, and collectively as the Joint Chiefs of Staff.

As advisors, the Joint Chiefs are responsible for mediating the gap between the ambitions of policy and the limitations of military capability and, by the nature of their conduct, for guaranteeing the reliability of the members of the Armed Forces in adherence to their constitutional duty. As officials in an executive department of government, they are expected to support decisions with which they as advisors may have disagreed. All serve under the command of the President and Secretary of Defense; the Service chiefs serve under the authority of the Service secretaries who are the heads of the respective military departments. All are appointed by the President upon the recommendation of the Secretary of Defense and serve at the pleasure of

the President. The President may dismiss any Chairman or any Service chief summarily.

At the same time, the appointments of the Chairman and the Joint Chiefs of Staff require confirmation by the Senate. The Chairman, who serves only a 2-year term, must be reconfirmed if nominated for a second. It has become a traditional part of the confirmation process for the Senate to require senior appointees to commit themselves in writing to offer their personal opinion to Congress, *if requested*, even if that opinion is contrary to the policy of the Commander in Chief, whose agents they are. In short, while the positions as military advisors to the President, the National Security Council, and the Secretary of Defense are established by Title 10, a corresponding responsibility to provide advice to Congress has grown up by convention, pursuant to the legislative branch's powers and authorities established in Article I of the U.S. Constitution.<sup>20</sup> Whether this involves a right to "lobby" Congress in opposition to the decisions of the executive branch remains an issue in practice, if not in theory. Notably, Franklin Roosevelt told Sam Rayburn, then the Speaker of the House, that a part of his respect for George Marshall, as Chief of Staff, derived from the fact that the President did not have to worry that Marshall would go to Congress to reverse the President's decisions. "I know he's going back to the War Department, to give me the most loyal support as chief of staff that any President could wish."<sup>21</sup>

The role of advisor is sufficiently vague to be the source of some controversy. Chairmen and Service chiefs are often excoriated for not speaking out publicly against government policies with which critics disagree, for technical, partisan, or ethical reasons. At other times they are blamed for not resigning in the glare of publicity, and for not then going to the country to oppose decisions of the Commander in Chief on grounds that appear compelling to particular critics, in and out of the Armed Forces. A proper antecedent question to judging these criticisms goes to the nature of professional advice within a system of *representative* government.

In January 2015, General Martin Dempsey, then Chairman of the Joint Chiefs of Staff, told Fox News Sunday News host Chris Wallace that his metrics for judging the relationship between elected leaders and their professional advisors are "access and whether my advice is— influences decisions."<sup>22</sup> Dempsey went on to indicate that he did not

expect military advice to dictate presidential decisions, which are inevitably broader than military concerns, but said he knew he had access to the President and believed he could see that his advice did influence the President's subsequent actions.

A more thorough description of the Chairman's role was given 64 years earlier by General of the Army Omar Bradley, the first Chairman of the Joint Chiefs of Staff, in his 1951 testimony before the Senate committee inquiring into U.S. policy in the Korean War and the relief of General Douglas MacArthur. General Bradley addressed specifically the appropriateness of military professionals "speaking out" in opposition to government policy; the point where resignation by military advisors is appropriate; and the importance of confidentiality in communications with responsible civilian officials—three of the most common grounds for popular criticism of the Nation's military advisors.

Bradley addressed the limits of professional advice in response to a series of questions by Republican Senator Styles Bridges of New Hampshire. Bridges asked Bradley whose views should prevail in a disagreement about a military topic. Bradley countered that the particular issue mattered. Sometimes political and diplomatic issues legitimately had to prevail over military expediency. Bridges asked if, in that case, the military advisor ought not go to the public: "don't you think the American public are entitled to the best military judgment of our military leaders?" Bradley replied that the Chiefs' responsibility was limited to providing the best advice possible, and if it were not taken, there was nothing to be done. Bridges then asked: "If it reaches the time in this country where you think the political decision is affecting what you believe to be basically right militarily, what would you do?" To this Bradley said: "If after several instances in which the best military advice we could give was no longer of any help, why, I would quit. I feel that is the way you would have to do. Let them get some other military adviser whose advice apparently would be better or at least more acceptable."<sup>23</sup> Asked by Bridges if he would then speak out to the American people, Bradley replied he would not. "I am loyal to my country," he said, "but I am also loyal to the Constitution, and you have certain elected officials under the Constitution, and I wouldn't profess that my judgment was better than the President of the United States or the Administration."<sup>24</sup>

Bradley's testimony was subsequently interrupted when he refused to breach the confidentiality with which he advised the President. Bradley stated:

*It seems to me, that in my position as an adviser, one of the military advisers to the President, and to anybody else in a position of authority who wants it, that if I have to publicize my recommendations and my discussions, that my value as an adviser is ruined . . . it seems to me that when any of us have to tell everything that we say in our position as an adviser, that we might just as well quit.*<sup>25</sup>

Bradley's assertion of confidentiality was ultimately acknowledged by the committee, after lengthy debate by committee members. It is important to observe that Bradley's objection here had to do with the *content* of advice offered the President and that he indicated a willingness to advise "anybody else in a position of authority who wants it."<sup>26</sup> Presumably Bradley's "anybody else in a position of authority" would include members of Congress exercising their responsibilities under Article I of the Constitution. It would not include anyone and everyone who asked for advice.

Bradley's principles are subject, like most constitutional questions, to various interpretations, as indicated by the committee debate on the limits of *confidentiality*.<sup>27</sup> The issue of what constitutes an appropriately "professional question" was not raised, though some of the most controversial issues involve precisely that question, especially those where professional judgment and/or constitutional authority are divided as, for example, in the life of the "Don't Ask, Don't Tell" policy of recent memory.<sup>28</sup>

There is also a question of the warrant of institutional jurisdiction over an issue inherently subjective among uniformed authorities. All military choices involve trade-offs, and exist in a realm of probability, not precision and certainty, and thus become questions of value as much as calculation. Any decision involves costs that may ultimately be grounds for criticism without, it seems, consideration of comparable benefits or even available alternatives. Aside from a range of civilian pundits, there is a large community of retired senior officers who claim

continuing expertise without having any accompanying responsibility for confidentiality, objectivity, or results. The republic depends largely on the elected officials for choosing well where they seek their advice, whatever the provisions of law.

There is also the question of the extent of loyal obedience. It is a commonplace in the Armed Forces that free discussion is open and wide-ranging before the decision, but once the commander decides, the force “falls-in” and faithfully executes the decision. That practice, of course, is intended to end discussion that could detract from complete commitment to successful execution. In the case of the Chairman and Joint Chiefs of Staff, there is a kind of philosophic tension between their responsibilities to provide independent professional advice on military issues, and to serve as executive branch officials in the Department of Defense defending policy decisions with which they may have disagreed. Note that this is not a feature unique to the highest-level staff officer; the same tension applies to any officer at any level of command who has his or her recommendation overruled and then must defend and execute the commander’s position with which the officer formerly disagreed.<sup>29</sup>

General Bradley indicated that professional opposition should end with registering disagreement with the appropriate constitutional authorities. The counter-case is that of Matthew Ridgway, who as Army Chief of Staff continued his public opposition to President Eisenhower’s “New Look” military policy, which emphasized deterrence based on air-delivered nuclear weapons at the expense of the Army and Navy, even *after* the President had decided on the New Look policy. In this, Ridgway followed the precedent of the 1949 “Revolt of the Admirals,” in which senior Navy officers were relieved by President Truman for opposition to a similar policy, though in this particular case, Eisenhower did not fire Ridgway. He simply did not reappoint the general, who had reached the age of retirement anyway, to a second 2-year term as Chief of Staff.<sup>30</sup>

Based on his experience, General Richard Myers draws critical lines:

*In essence, the senior military officers’ role is to vigorously provide the best professional military advice possible to our political leaders. The Commander in Chief or the Secretary of Defense*

*makes the decisions. And unless they are illegal or immoral, the military must carry out the orders of the President or the Secretary. To do otherwise would be to impose our own military judgment on what are political decisions, an action that's fundamentally inconsistent with our Constitution or the laws of the land.*<sup>31</sup>

In the end, the officer who cannot support the President's or Secretary of Defense's decisions in good conscience, or finds he or she has lost the ability to perform the advisory function of the office, must offer to resign, or as General Ron Fogleman chose, to retire. Writing in the late 1950s, Samuel Huntington addressed the most wrenching of cases, where the call of official duty and the call of conscience pull the officer in opposite directions:

*For the officer this comes down to a choice between his own conscience on the one hand, and the good of the state, plus the professional virtue of obedience, upon the other. As a soldier, he owes obedience; as a man, he owes disobedience. Except in the most extreme instances it is reasonable to expect that he will adhere to the professional ethic and obey. Only rarely will the military man be justified in following the dictates of private conscience against the dual demand of military obedience and state welfare.*<sup>32</sup>

Here Huntington reflects broader principles of public service ethics. Writing several decades after Huntington, Professor J. Patrick Dobel argues in *Public Integrity*<sup>33</sup> that the public official has to hold in balance three models, all of which have ethical wisdom and imperatives: the legal-institutional model, the personal responsibility model, and the effectiveness or implementation model. The first serves primarily to limit the discretion allowed public officials. The second serves to preclude any public official from saying "They made me do it."<sup>34</sup> The third points to the need for public servants to "achieve an excellent . . . outcome."<sup>35</sup> For the public servant, Dobel argues, the art is in balancing these three models, not in picking one over the others:

*I believe that we should think about public discretion and integrity as an iterative process in which public officials move within a triangle of judgment. They move back and forth among the [three] domains . . . holding them in balanced tension when framing judgments.*<sup>36</sup>

Interestingly, Dobel's "balanced tension" echoes Clausewitz on his "remarkable trinity"—"primordial violence, hatred, and enmity," "the play of chance and creativity," and "subordination to policy." "Our task," states Clausewitz, "therefore is to develop a theory that maintains a balance between those three tendencies, like an object suspended between three magnets."<sup>37</sup>

By law, retired officers remain in the military establishment, on the retired list. If they choose to challenge the policy of the Commander in Chief publicly, they should consider the likely impact on the profession and the executive's confidence in those still in uniform, and consider with some humility that professional knowledge is subjective, transitory in detail, and highly contextual. In short, they should accept that their conclusions might be ill-informed and/or wrong. On the other hand, asked for their advice by responsible leaders, they, as much as General Bradley, are certainly bound to give it.

The essential element in making all this work, across the cultural and expertise gap, is *trust*, as historian Russell Weigley indicates: "Faithful military acceptance of civilian control is a major desideratum of the U.S. constitutional system. Better yet, however, is faithful obedience based on candid civil-military discussions and on mutual understanding and trust."<sup>38</sup> Nor is the point made only by academics. Thoughtful and successful practitioners are even more eloquent on the issue of relationships. John White and Sarah Sewall note that in their project, practitioners, civilian and military, "stressed the role of personal trust, and the need to constantly reinforce it given daily substantive and bureaucratic challenges to those relationships. . . . Trust was often described as the result of symbolic and concrete efforts they had personally made to demonstrate genuine interest in and respect for their partners in the relationship."<sup>39</sup> Experience shows that nurturing, even establishing, trust can be especially difficult in the early months of a new political administration, when civilian officials, unfamiliar

with the professional military ethos, may question the loyalties of senior military officers who served under the previous administration. As the “junior partner” in this relationship, the burden is often on the military to make clear that their loyalties are dictated by their constitutional oath, and that they will faithfully serve whomever the American people choose as their President and Commander in Chief.

### Notes

- <sup>1</sup> *The Declaration of Independence and the Constitution of the United States of America* (Washington, DC: NDU Press, 1994), 32.
- <sup>2</sup> *Ibid.*, 54–56.
- <sup>3</sup> *Ibid.*, 66, 68.
- <sup>4</sup> U.S. Code, Title 10—Armed Services, Section 162b, as quoted in Cornell University Law School, Legal Information Institute, available at <[www.law.cornell.edu/uscode/text/10](http://www.law.cornell.edu/uscode/text/10)>.
- <sup>5</sup> Morris Janowitz, *The Professional Soldier* (New York: The Free Press, 1960), 367.
- <sup>6</sup> Carl Von Clausewitz, *On War*, ed. and trans. by Michael Howard and Peter Paret (Princeton: Princeton University Press, 1976), 607.
- <sup>7</sup> *North Atlantic Treaty Organization Handbook* (Brussels, Belgium: NATO, 2006), 186.
- <sup>8</sup> Russell F. Weigley, “The American Civil-Military Cultural Gap: A Historical Perspective, Colonial Times to the Present,” *Soldiers and Civilians: The Civil-Military Gap and American National Security* (Cambridge, MA: MIT Press, 2001), 215.
- <sup>9</sup> *Ibid.*, 218.
- <sup>10</sup> *Ibid.*, 225.
- <sup>11</sup> “Bureaucracy,” in *From Max Weber: Essays in Sociology*, ed. H.H. Gerth and C. Wright Mills (New York: Oxford University Press, 1946), 232.
- <sup>12</sup> Richard K. Betts, *Soldiers, Statesmen, and Cold War Crises* (New York: Columbia University Press, 1991), 41.
- <sup>13</sup> Eliot A. Cohen, *Supreme Command* (New York: The Free Press, 2002), 209.
- <sup>14</sup> Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge, MA: Belknap Press, 1958), 76.
- <sup>15</sup> Richard B. Myers, *Eyes on the Horizon* (New York: Threshold Editions, 2009), 135.
- <sup>16</sup> Clausewitz, 607.
- <sup>17</sup> John P. White and Sarah Sewall, *Parameters of Partnership: U.S. Civil-Military Relations in the 21st Century* (Cambridge, MA: The Harvard Kennedy School of Government, 2009), 10.
- <sup>18</sup> “Air University Graduation, May 25, 2006: Remarks by General Charles G. Boyd, USAF (Ret.)” available at <[www.au.af.mil/au/aul/img/boyd\\_speech\\_auGrad\\_2006.pdf](http://www.au.af.mil/au/aul/img/boyd_speech_auGrad_2006.pdf)>.
- <sup>19</sup> Title 10, U.S. Code, Section 151, Joint Chiefs of Staff: Composition; Functions.



<sup>20</sup> Ibid.

<sup>21</sup> President Franklin D. Roosevelt, quoted in Charles F. Brower, *George C. Marshall: Servant of the American Nation*, ed. Charles F. Brower (New York: Palgrave Macmillan, 2011), 167.

<sup>22</sup> Martin E. Dempsey, interview with *Fox News Sunday*, January 11, 2015, available at <[www.foxnews.com/transcript/2015/01/11/gen-dempsey-reacts-paris-attacks-sens-hoeven-coons-talk-keystone-showdown](http://www.foxnews.com/transcript/2015/01/11/gen-dempsey-reacts-paris-attacks-sens-hoeven-coons-talk-keystone-showdown)>.

<sup>23</sup> “Transcript of First Day of General Bradley’s Testimony at Senate Foreign Policy Inquiry,” *New York Times*, May 16, 1951, page 2 of 4 (photocopies), available online without pagination in the *New York Times* historical archive. Bradley’s viewpoint was echoed in 1997 by General Ronald Fogleman who requested relief and expeditious retirement as Air Force Chief of Staff. Ronald R. Fogleman, “The Early Retirement of Gen Ronald R. Fogleman, Chief of Staff, United States Air Force,” *Aerospace Power Journal* (Spring 2001), available at <[www.airpower.maxwell.af.mil/airchronicles/apj/apj01/spr01/kohn.htm](http://www.airpower.maxwell.af.mil/airchronicles/apj/apj01/spr01/kohn.htm)>.

<sup>24</sup> “Transcript of First Day of General Bradley’s Testimony,” page 2 of 4 (photocopies).

<sup>25</sup> Ibid., page 3 of 4.

<sup>26</sup> Ibid.

<sup>27</sup> “Excerpts from Proceedings in Joint Hearing on Dismissal of General MacArthur,” *New York Times*, May 18, 1951, two pages (photocopies), available online without pagination in the *New York Times* historical archive.

<sup>28</sup> “A History of ‘Don’t Ask, Don’t Tell,’” *Washington Post*, November 30, 2010, available at <[www.washingtonpost.com/wp-srv/special/politics/dont-ask-dont-tell-timeline/](http://www.washingtonpost.com/wp-srv/special/politics/dont-ask-dont-tell-timeline/)>.

<sup>29</sup> See for example, General Bruce C. Clarke, “Integrity versus Professional Loyalty,” *Military Review* 46, no. 8 (August 1966), 71.

<sup>30</sup> Andrew J. Bacevich, “The Paradox of Professionalism: Eisenhower, Ridgway, and the Challenge of Civilian Control, 1953-1955,” *The Journal of Military History*, vol. 61 (April, 1997), 303-304; John S.D. Eisenhower, “How Generals Should Talk to Presidents,” *New York Times*, October 17, 2009, available from *New York Times* electronic archive.

<sup>31</sup> Myers, 184.

<sup>32</sup> Huntington, 78.

<sup>33</sup> J. Patrick Dobel, *Public Integrity* (Baltimore: Johns Hopkins University Press, 1999).

<sup>34</sup> Ibid., 12.

<sup>35</sup> Ibid., 17.

<sup>36</sup> Ibid., 2.

<sup>37</sup> Clausewitz, 89.

<sup>38</sup> Weigley, 227.

<sup>39</sup> White and Sewall, 14-15.