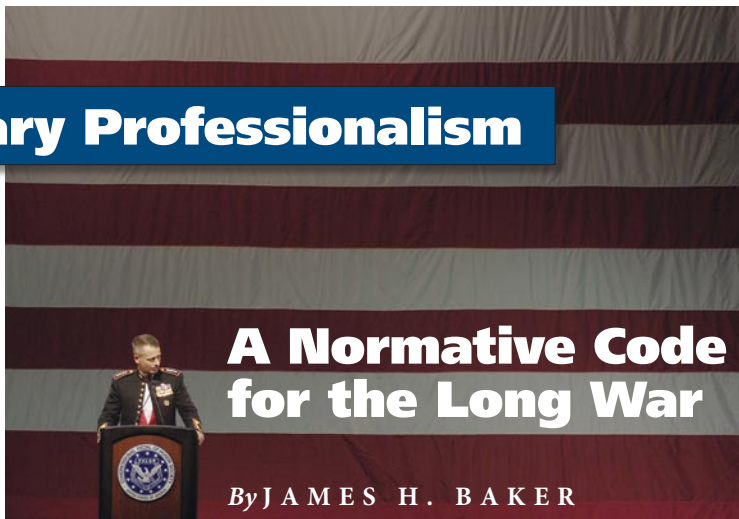


Military Professionalism

Chairman speaks
to Congressional
Medal of Honor
Society



A Normative Code for the Long War

By JAMES H. BAKER

JFQ (D. Myles Cullen)

Press articles citing concerns of disgruntled general officers. Media reports portray a brusque Secretary of Defense who ignores sound military advice and treats officers disrespectfully. U.S. troops fighting and dying overseas for a strategy whose endgame is decades away from resolution. Domestic support for a war beginning to wane. Congress threatening to hold hearings on how a war is conducted.

The year of the events above was 1966, not 2006. Yet while Iraq and the Long War are not the same as Vietnam and the threat of communism, questions arise in both contexts regarding military professionalism. What is the role of senior military officers in determining the policy of the United States? To what extent should civilians with little or no military campaign experience dictate operations? What should be the reaction of senior military leaders to encroachment into military operational and even tactical matters? And when, if ever, should these leaders resign in the face of a bad policy? This article attempts to answer these questions.

Trends in Political-Military Operations

Although the questions are timeless, the answers should reflect several trends that appeared after the Cold War and that have accelerated since September 11, 2001. The U.S. Government considers itself at war, probably for decades or more. The Department of Defense has transitioned away from a threat-

based planning process in the face of uncertain contingencies, uncertain resources, and uncertain futures. The new capabilities-based process requires the military to possess the ability to win in “full spectrum operations,” from low-end counterinsurgency to high-end major operations.

The U.S. military has been given the resources and mandate to influence events far beyond fighting and winning wars. It is expected to shape, assuage, deter, and, in accomplishing these missions, employ a variety of means, some of which have more to do with practicing civics than firing a machinegun. More expectations may be coming with the increased importance of homeland security. Finally, the respect for the U.S. military by Americans continues to outshine that for all other American institutions.

The implications of these trends for military professionalism are profound. The military’s resources, hierarchy, culture, and operational code enable it to deploy large numbers of people and amounts of equipment for long periods, making it an exceptional tool for the executive branch. The respect for the military, compounded by a wartime footing and a 24/7 news cycle, magnifies the importance of senior military leaders. Taken together, these two trends increase the military’s potential use in the foreign policy arena as well as in

influencing domestic opinion about that policy. At the same time, the nature of the Long War calls into question the notion of a separation between the military and civilian spheres of responsibility. Before giving answers to the fundamental questions posed above, consideration must be given first to what, if any, line separates policy from military strategy and the responsibilities of civil authorities from those of the military.

The Intersection of Policy and Military Strategy

Popular models of civil-military relations posit two spheres of influence, one labeled *civilian* and one labeled *military*. Some suggest that military professionalism is at its highest when the intersection of these spheres is as small as possible. The problem with this thesis is that the intersection is redrawn for every administration or even for different situations within an administration. Presidential philosophy, the experience of aides, the threat to be addressed, the interests to be weighed, the military options available—each of these factors and more affect how the executive branch chooses to draw the line between policy and strategy.

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As many writers have pointed out, military strategy takes its shape from the clash of arms in the service of the policies of the state. Civilians guide the grand strategy or policy, not only in the use of force but also by defining objectives, setting constraints, providing resources, and bolstering domestic support. Since military strategy will influence, and in turn be influenced by, these considerations, there can be no such thing as a purely military opinion on any question of policy. Indeed, with the creation of the combatant commands and their staffs, the military can engage on dramatic

foreign policy initiatives, occasionally at cross-purposes with civilian control.

The U.S. military has expanded its role to operational, political, diplomatic, and economic means. Does this mean the military should take a more active role in executing (and even determining) aspects of policy? Should policymakers also intrude more deeply into operational and even tactical matters in order to shape the military response? While both trends seem

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U.S. Air Force (Sean P. Houlihan)
Under Secretary of Defense (Comptroller) Tina Jonas and VADM Evan Chanik, USN, address press about DOD budget



U.S. Navy (Chad J. McNeeley)
Secretary Rumsfeld speaking about war on terror



DOD (Robert D. Ward)
LTG John Kimmons displays Army Field Manual on Human Intelligence Collector Operations while briefing reporters on interrogating detainees

pronounced today, there are still roles and missions that are uniquely military and those that are not. Few statesmen would believe that they could take the lead of a strike fighter mission to destroy a bridge, and few senior officers would feel comfortable negotiating with a country over economic aid.

Of course, these simple examples fail to indicate the nuances of most foreign policy decisions undertaken by the Executive. But they serve as a useful reminder that the difference between policy, grand strategy, and military strategy has never been distinct, and proponents of either “the civilians interfere overmuch” or “the military is asked to do too much” can find plenty of case histories to support their thinking. Regardless, our enemies in the Long War may not have physical infrastructure to be attacked, may not have organizations that can be penetrated, and may in fact consist more of forces (such as poverty, resource conflict, or anti-Americanism) than physical actors. In spite of all of these murky waters, a foundation for military professionalism may be readily found in the text of the military officer oath of office.

Tension in the Oath of Office

Although the words are familiar, this behavioral bellwether for the Long War bears repeating, with some emphasis on the first and fourth clauses: “Having been appointed an officer, I do solemnly swear that *I will support and defend the Constitution of the United States*, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office upon which I am about to enter. So help me God.”

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The first clause of the oath binds the military officer to obligations regarding civilian authority. One must serve the Congress in support of its Article I powers concerning organizing and equipping for defense of the state and serve the President in support of his Article II powers as Commander in Chief. The former article primarily concerns what may be called military administration (that is, training, recruiting, standards of conduct, and organizing the military), while the latter is primarily concerned with executing foreign policy. Both branches share, more or less, the authority to commit forces in combat.

By invoking the Constitution, the first clause compels loyalty to the President and Congress as they exercise their powers. However, the obligations of fidelity may be overridden by appealing to the last clause, to an inability to “well and faithfully discharge” the duty of the officer. The oath is silent on precisely who judges how well and how faithfully, but fealty solely to the President and the Congress cannot be the only measure of professional conduct. Congress can and does prescribe aspects of the faithful discharge of duties by passing laws concerning military conduct and by specifying particular duties for senior officers. The Executive, moreover, through formal and informal means, can describe what he considers “faithfulness” in his senior officers.

The last clause of the oath invites, indeed requires, officers to consult their own conscience, ethics, and sense of honor in carrying

out duties under the first clause. It is not difficult to imagine cases where the two clauses will be in tension, where loyalty to the Commander in Chief may conflict with the ability to fulfill military duty.

In the Long War, this tension is exacerbated. The policy may be clear, but the variety and scope of the missions that the military may be asked to carry out—and the degree to which they are involved in the decision-making—cannot be anticipated. Finally, ever-present electoral politics mean that the military faces difficult choices about when and how to support any “strategic communications” game plan presented by either the White House or Congress.

Tests of Military Professionalism

The lack of an operative distinction between policy and strategy, the political-military trends already noted, and the tension demanded by the oath of office lead to three normative tests regarding military professionalism:

- **Interactive:** The U.S. military leadership is highly professional in that it provides advice, unpolluted by domestic political considerations, to civilians. The interaction between civilian and military leaders determines whether and how that advice is given. (The definition of *unpolluted* is decided by the military leader; who else can judge?)
- **Institutional:** The U.S. military is highly professional in that it has built its internal institutions to be flexible in the face of shifting demands

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LTG Raymond Odierno, USA, Assistant to the Chairman, at Joint Civilian Organization Conference

for its involvement in the civilian sphere or for civilian involvement in the military sphere.

■ Individual: A senior U.S. military officer is highly professional in that he admits the tension implicit in his oath and conducts himself accordingly, up to and including resigning his commission.

Test 1: Providing Sound Military Advice in Private and Public. When civilian members of the executive branch debate grand strategy to address foreign policy concerns, they usually seek military advice, both by custom and by law. Uncertainty dominates any discussion of the capability and intent of an enemy, the depth of an alliance, the outcome of engagements, the risks of an operation, and, in general, the debate of costs and benefits of any particular course of action. In the face of these challenges, objective debate over options for the commitment of forces in wartime and a supporting strategy for those forces is critical. An *objective debate* centers on the ways, ends, means, and costs for the protection or advancement of American interests. Such an objective debate differs from a political debate, which may take these factors into account, but is inevitably shaped by the Constitution's "invitation to struggle" or by the more prosaic power struggles between Democrats and Republicans.

Two forms of domestic political debate over grand strategy may take place in the public realm. High political debate concerns the branches of Government and their shared powers. In this realm of debate, the power of the President to use the military or conduct foreign policy in a given fashion occasionally gives rise to some type of congressional attempt to curb his power. An example of a high political debate is the enforcement or

constitutionality of the War Powers Act of 1973. On the other hand, low political debate is used by differing political parties to undermine support for the other. The less united the American population is around a policy, the more quickly the political debates will fuse, where high political debate quickly devolves into low. Unfortunately, both political forms rely on the same type of argumentation found in objective debate. Public arguments for or against a policy will be couched in language similar to that used in private.

Moreover, there will be a strong temptation by political actors to lionize or demonize anyone debating objectively in public, by pointing to that speech as support for their position. Given the standing and trust of the Armed Forces, senior military leaders are most prized by either side and thus most likely to see their comments used for domestic political purposes—in a word, *polluted* by the nature of the public debate. If such pollution diminishes the debate, and if the officer cannot control who uses his words for what purpose, the only recourse is to be silent in the public sphere. Only in private can the objective debate take place without politicization or the perception of military politicization.

The degree to which a military leader expresses his disagreement privately with statesmen, however, is an even better direct measure of military professionalism. To the extent that civilian authority allows and even encourages such disagreement, particularly in the early stages of policy formulation, it is also increasing military professionalism. Quarreling over strategy means that the civilian leader must be learning and that he is overcoming one more deadly sin of the policymaker: ignorance of military capability, limitations, and range of outcomes. Argument and constructive conflict often bring education.

The military leader who does not hesitate to say, "I've heard what you said, Mr. President, and I must say I don't agree with you at all" while standing in the Oval Office exemplifies the professionalism for this first test. He displays his commitment both to the first and last clauses of the oath of office. Additionally, his advice must range over all matters that are within the military sphere, as it is presently defined by the civilian leadership. Where such frank advice is given, whether welcome or not, military professionalism is at its height.

In the public realm, the situation is exactly reversed, since candid advice cannot

be given without political consequences that affect professional standing. To offer a negative judgment publicly on a policy while it is being debated, and certainly after it has been decided, is possibly insubordinate and undermines the first clause of the officer's oath. However, to offer a positive comment publicly seems to make the military an advocate, regardless of professional judgment.

One possible alternative presents itself, which does not require the military leader to enter the political debate, but still allows him to remain true to his oath. It lies in reminding listeners that the military does not decide foreign policy and that it should not opine on this policy once decided; it merely carries it out to the best of its ability.

Every time a senior officer speaks in public about policy, he damages military professionalism. Perhaps dire circumstances exist that require public advocacy or criticism, but damage to military professionalism still occurs. The least harmful path is to present in public verifiable facts, avoid predictions, and make the mildest and most unassailable of military judgments. During times of relative peace, this is the course most often chosen by senior leaders in discussions of foreign policy with Congress or the media. However, questions about the use of force, the benefits of using force, the strategies employed, and the ultimate costs in blood and treasure are highly charged judgments. During wartime, then, especially in wars of long duration, the political nature of the debate becomes unavoidable. When the military is held in high regard, the pressure on it to make public statements either for or against the policy will grow. The military leader's ability to resist such pressure is the clearest demonstration of military professionalism.

This prescription regarding public military advice on foreign policy and the commitment of forces overseas is of course quite different from the one concerning Congress' role in regard to force structure, military organization, procurement, and similar matters. Here, the senior officer's oath forces a different response that nearly always brings him in conflict with the Executive. It is not the professional's job to defend the extramilitary considerations that may dominate the President's budget; he must provide his expert judgment enabling Congress to raise and support the Armed Forces. Budget exercises in the executive branch involve negotiating conflicting priorities. However, the Constitution demands that it cannot be left solely to the

Executive's discretion whether the military is funded too much, too little, or just right. Senior military officers are compelled by their oath to offer a professional opinion of the means needed to meet the strategy demanded. It should be both a surprise and a concern if their judgment neatly matched the Executive's opinion in budget cycle after budget cycle.

adherence to the oath demands that military advice be heard if policy debates involve the use of force

Test 2: Building Flexible Institutions. It is a poor policymaker who does not seek to exert the highest degree of control possible in the application of any instrument of national power. He comes to the debate perhaps naively believing that since the smallest tactical engagement may have strategic effect, he must be involved to the greatest extent possible. The temptation of advanced surveillance technologies and the rapid dissemination of battlefield mistakes make it inevitable that such encroachment occurs.

Because of this uncertainty in what will be required in the way of advice, and to what extent the civilian may "interfere" in operations, a high degree of professionalism requires the military to build many and varied institutions. In the face of a potential demand for a fusionist role, a highly professional military must respond. The Armed Forces should provide schools that train leaders who can supply a broad range of policy advice and who can operate in realms outside of traditional military excellence. Promotions must be based not only on demonstrated operational mastery but also on a talent for civil governance or institutionbuilding. Doctrine should embrace major combat operations, as well as economic development, police training, and financial and judicial reform.

A more difficult case for flexible institutions as a measure of professionalism occurs when civilian leaders are perceived as interfering in traditional military operations. For example, the Executive may want to exercise control over where and when a single aircraft launches a single missile against a single target. Civil authorities often may wish to dictate constraints on troop levels, materiel supplies, or the tempo of a military engagement. The professional military must act to create a culture, doc-



President Bush addresses press prior to national security briefing at Pentagon

trine, concepts, and institutions that accept this need with equanimity, rather than chafe at it in indignation.

The senior officer may be uncomfortable with the line that circumscribes his responsibilities—either it gives him too little power (for example, senior civilians selecting targeting aimpoints), too much control (the debate over the use of the military in homeland security), or too many functions (use of the military for nationbuilding). Nevertheless, the military would be less professional to the extent that it might fail to embrace these additional roles and missions enthusiastically, once they are demanded by the civilian authorities.

Test 3: Willingness to Resign. The choice to resign is the only public recourse of protest to policy. It serves as the sole counterweight to the first test, which charged that military officers should neither advocate nor criticize a policy in public. This test provides redress in the case of unacceptable policy (in the eyes of the officer), but the conditions required are sufficiently arduous that resignation should be rare.

Obedience to command authority is the hallmark of the platoon leader, mission leader, and division commander. But the oath of office requires more difficult choices on the most senior flag rank officers, who advise and ultimately implement the direction of the civilian authority. This test is not about egregious constitutional violations or unlawful or immoral orders. Instead, the question is whether there are circumstances that could arise out of policy debates involving the use of the military that might cause a flag officer to resign.

When to Step Down

The readiness of the general officer corps to reevaluate the choice of resignation in the face of policy decisions is the most direct

measurement of military professionalism. The oath of office is the azimuth for when and how to make this choice. Since the oath commands devotion first to the civilian authorities and then invites the officer to balance that allegiance against his personal judgment, the senior officer must consider something other than obedience when it appears the last clause of his oath is about to be violated. At some point, this tension must be released, and the officer should resign.

No other course is available. Direct disobedience would be an unthinkable breach of the Commander-in-Chief clause. The officer could also choose to speak out publicly and force the President to relieve him, but that fails the first test proposed above. Another option is to obey but undermine. Many tools are available to the increasingly savvy senior officer corps—implementing slowly, leaking to the press, awaiting a "better time" to push their view, or urging other bureaucratic actors to the fore in an attempt to sway policy. This choice suggests an officer who is sufficiently aggrieved to complain privately, but not so distressed that he wishes to put a lifetime career investment on the line. But such a choice smacks of moral frailty, so this choice fails the test of faithful discharge of duty. At the point of the breach, the senior military officer has but one option, which is to resign.

Under what circumstances is resignation warranted? If and only if three conditions are met should the senior officer override the constitutional imperative of loyalty to civilian authority and resign.

First, the military officer believes the policymaker has incorrectly drawn the line between the civilian and military sphere. In private, disagreements can and must occur over where to draw the line between

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Joint Civilian Orientation Conference participants aboard C-17 during flight to Kuwait

U.S. Navy (Michael D. Heckman)

policy and military strategy. Many reasons exist for increasing encroachment on what are traditional military spheres: the advent of technology that allows more control, a concern for casualties, a desire to use the military as a social experiment petri dish, promoting an ideology that uses the military to remake other societies, or the likelihood of media beaming the inevitable deaths of innocents in tactical situations worldwide and thus having a strategic impact. These reasons and others have made the traditional military function increasingly subject to the intrusion of civilian officials. The military professional, with growing disenchantment, may have seen the line drawn ever further into what he perceives as his realm. While the civilian has the unquestioned right to decide where the line is drawn, the military professional has some responsibility to judge whether the line has gone too far.

However, this judgment alone is not sufficient for resignation. Many historical examples exist of commanders chafing at their perception of overly intrusive civilian control. In foreign policy, many things are uncertain, and this is even more true in war. Military leaders should have studied enough history to know that this intrusion has proven right at least as often as wrong. The modern commander who argues that he needs thousands more troops for an assault, for example, should be reminded of George B. McClellan's caution—and that if Lincoln had not acted to remove the general from duty, the Union may have been lost.

Regional combatant commanders now exert enormous diplomatic, informational, and political levers of power, implementing (and sometimes making) U.S. foreign policy for large swaths of the world, treading in waters not traditionally thought to be in the

military realm. Especially in wartime and in an uncertain world, the civilian leader may need to expand or contract the military realm. He may judge the general officer corps too hidebound by the status quo on how best to implement their responsibilities. More importantly, the general officer knows from history that this may be the case, so meeting this condition alone fails to provide sufficient impetus to resign.

Second, the senior officer has often provided his negative opinion of the policy, yet the policy continues. This is a most difficult condition to meet; here the officer must cross the threshold of substituting his judgment for that of the elected representative of the people. There are significant obstacles that the senior military officer navigates as he contemplates resignation: he chooses to resign because he believes he can no longer faithfully discharge his duties; his counsel is no longer valued and continued service could be detrimental to his profession; the policy is, in the officer's judgment, also unsound. The people elect the President, and the flag officer must be extraordinarily reluctant about substituting his judgment of the President's policies and their effect for the wisdom of the electorate. Any foreign policy has risks, costs, and benefits that are outside the purview of the military professional, and the decisionmaker will often view their cumulative effect differently.

But failure to involve senior military professionals in policy discussions may constitute a breach of this condition. Senior officers could be left out of the debate, unable to discharge their professional obligations according to their oath, especially if they are offering strong disagreement. Commanders may not be invited to discussions concerning their areas of responsibility, or policy may

be decided without even soliciting military advice. Adherence to the oath demands that military advice be heard if policy debates involve the use of force.

Third, the policymaker seeks to shirk or shift responsibility for where he has drawn the line between strategy and policy. Even though the civilian and military spheres sometimes possess a large intersection at the highest levels of the government, this does not mean that it is not useful for civilian policymakers to pretend otherwise. Public references by civilians, particularly when forces are engaged in combat, sometimes suggest that the field commander simply sets forth the military strategy, requests the number of troops needed, the level of logistical support required, the funding and equipment to be procured—and the statesman meets the request. This is a useful fiction for the public in maintaining the impression of military objectivity.

All three of these conditions must be met simultaneously for the military officer to resign. To meet only the first would make resignation too dependent on personalities and therefore damage faith in an apolitical military. To meet only the first and second would make resignation too common and undermine the ability of the Executive to count on sustained military leadership in execution. The third condition provides the tipping point. This is when the military institution itself is not being used to advance foreign policy but to shield elected officials from domestic political harm.

Both the trends in the U.S. political-military environment and the lack of an operative distinction between policy and strategy demand a more rigorous definition of military professionalism for the Long War. Senior military leaders should respond more forcefully in private in regard to how they shape foreign policy, while avoiding either criticism or advocacy in public. They should build cultures and institutions that can supply superb expertise and background, ranging from the purely military to civil-military operations—and be accepting of whichever roles civilian authorities demand. Finally, they should resign more often in the face of poor policy decisions and attempts at scapegoating by civilian leaders. These normative tests of military professionalism remain rooted in that deeply personal vow taken by every commissioned officer in the oath of office. **JFQ**