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Military Ethic and the Judge Advocate General's Corps: Legal Guardians of the Profession of Arms

by

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Yours is the profession of arms, the will to win, the sure knowledge that in war there is no substitute for victory, that if you lose, the nation will be destroyed, that the very obsession of your public service must be duty, honor, country.

General Douglas MacArthur¹

Introduction

The year 2011 began quietly, while the issues that would frame leadership discussions in the months to come were still stirring, almost surreptitiously in the background. That lasted a day. On Sunday, 2 January 2011, Admiral Mike Mullen, then Chairman of the Joint Chiefs of Staff, appeared on Washington's Sunday morning talk show circuit. He talked about leadership and the need for the armed services to pause for introspection after more than a decade at war:

We've learned a lot about ourselves in the past decade; some of it's been pretty unpleasant stuff. I want us to understand what we've seen, to a depth that we can ensure that our moral compass stays true, our ethical compass stays true.²

The week prior, the U.S. Naval Institute's professional journal, *Proceedings*, was delivered to subscribers. Inside, an article titled "A Crisis in Leadership" asserted that the Navy's leadership was failing, citing the number of officers relieved or fired in the previous year, 2010.³ While the article did not specifically use the term "toxic leadership," the piece was fairly direct in dissecting examples of naval officer leadership failures and talked about the need for increased discipline in the ranks. It referenced news stories from the *Navy Times* that covered officers' relief from command. The reasons cited, while fairly general, included numerous instances of "improper" or "inappropriate" behavior, "inappropriate relationships with subordinates," adultery, "conduct unbecoming an officer," "dereliction of duty" and various other charges that resulted in superior commanders expressing a "loss of confidence" in an officer's ability to command.⁴

Mullen's comments were designed to serve as a precursor to an upcoming conference at the National Defense University on the topic "The Profession of Arms." But by Sunday afternoon that established narrative thread of careful introspection had already frayed. Breaking news stories from Norfolk, Virginia, focused

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on Navy Captain Owen Honors, whose risqué, homophobic and crude videos, produced while he was the executive officer of the USS *Enterprise*, were raging on social media sites and provoking strong reaction from all sides. To its credit, the Navy reacted quickly, even over the New Year's holiday, suspending Honors from command and later relieving him. But the stage was set for public debate not only on the topic of toxic leadership but also on the Profession of Arms.

Issues with senior commanders' ethics and lapses in judgment were not confined to the Navy. Perhaps one of the most visible cases involved Army General Stanley McChrystal, fired by President Obama in the wake of a *Rolling Stone* magazine exposé. A number of other Army commanders were either suspended or relieved in 2010 and 2011, even as U.S. Army Training and Doctrine Command's (TRADOC's) study on the Profession of Arms was proceeding under the guidance of then commander General Martin E. Dempsey. The review was designed to answer three critical questions:

- What does it mean for the Army to be a Profession of Arms?
- What does it mean to be a Professional Soldier?
- After nine years of war, how are we as individual professionals and as a profession meeting these aspirations?

For the Army's Judge Advocate General's (JAG) Corps these questions had been garnering increased attention for some time. As military justice professionals, as ethics advisors to commanders and as commanders themselves, military attorneys have extensive professional responsibilities in supporting and maintaining the military ethic and in the teaching and enforcement of the values and ethics of the military profession. While additional questions in the survey addressed the roles and responsibilities of officers, noncommissioned officers (NCOs), warrant officers, civilians and retired Army members, one critical community of interest was conspicuously absent.

What are the roles and responsibilities of the JAG Corps (Soldier/lawyer) in supporting and sustaining the Profession of Arms? The JAG Corps has a particular interest and a very specific professional and moral responsibility in this area and its members (attorneys, paralegals and legal administrators) are involved in all aspects of promoting, supporting and defending good order and discipline—all while providing ethical advice to commanders—and in maintaining a functioning and fair military justice system.

While the study progressed and Soldiers participated in online surveys and questionnaires, some Army commanders continued to stumble very publicly, many suspended or relieved for the same reasons as those ascribed to departing Navy leaders: poor command climate, a superior's "loss of confidence," abuse of subordinates, adultery and a plethora of others. A number of these leadership issues drew a great deal of media attention, from the realm of military-related news sources such as *The Army Times* and *The Stars and Stripes*, to mainstream civilian news coverage. These appeared in a particularly bad light as the media juxtaposed the espoused values of the institution with those criminal acts of individuals that appeared not only the most heinous but also the most diametrically opposed to the values of the Army as an institution and as a values-based profession. Even so, annual polls reveal the American public continues to rank the military as the most respected institution in the country, as they have since 2008. This element of trust between the Soldier and the nation must be preserved.⁵

In a memo to the Chairman of the Joint Chiefs of Staff, Secretary of Defense Leon Panetta wrote,

As has happened recently, when lapses occur, they have the potential to erode public confidence in our leadership and in our system for the enforcement of high ethical standards. Worse, they can be detrimental to the execution of our mission to defend the American people.⁶

This emphasis on values is not new. Values and the adherence to a simple oath of allegiance have been the hallmark of the profession since its inception. This renewed focus is a periodic check and one that is necessary to ensure the basics continue to receive both necessary attention and respect, from the leadership

at the highest ranks to the newest noncommissioned officer. Over 30 years ago Sergeant Major of the Army William A. Connelly said,

I don't know what possesses a professional who has been around for five, ten or 20 years to turn his or her back on a deficiency. The first tenet of our behavior as professionals must be never to do this.⁷

Throughout 2011 and into 2012, it seemed that the ranks of those involved continued to spiral higher and the charges became more serious, the punishments more severe. At all levels it almost appeared as though escalating instances of high-risk behavior and, in some cases illegal and criminal acts, were increasing. In fact, allegations of misconduct by senior Department of Defense (DoD) officials have increased by about 47 percent since 2007, leading the DoD Inspector General's office to increase staffing just to keep up with the case load.⁸

At one point the Army Reserve Command sent its commanders a PowerPoint® briefing detailing more than 40 cases of Temporary Change of Station (TCS) travel fraud and encouraged commanders to discuss the cases with Soldiers and display the results on unit bulletin boards. The summaries detailed convictions by rank (ranging from sergeant first class to colonel), the dollar amount of the fraud and the punishment. Yet despite these warnings and vigorous enforcement, problems across the Army with contract and travel fraud continued, even as scrutiny increased. When then General William "Kip" Ward, the first commander of U.S. Africa Command, was recognized at a retirement ceremony at Fort Myer, Virginia, in August 2011, a DoD investigation into his official travel was already underway. The DoD Inspector General's 17-month investigation resulted in findings that Ward conducted official travel for primarily personal reasons, misused military aircraft and abused his position.⁹ On 13 November 2012, Secretary Panetta demoted Ward to the rank of lieutenant general and ordered him to repay the government \$82,000 for the unjustified expenses.¹⁰

Instances of "stolen valor" continued to garner media coverage as well. Command Sergeant Major Stoney N. Crump, former Command Sergeant Major at Walter Reed Army Medical Center, was fired for falsifying his service record and wearing unauthorized awards. He was sentenced to six months' imprisonment and a demotion to staff sergeant.¹¹ Army Reserve Brigadier General Roger Duff became only the second general officer to be court-martialed in recent times when he pled guilty in June 2012 to seven charges of wearing unauthorized badges, awards or ribbons.¹² A military judge sentenced him dismissal on 1 October; the ruling was final as of 16 October. This case drew very little public interest and only limited coverage, although the lapses in judgment, blatant disregard for values and implications for fracturing the image of general officers were breathtaking.

Cases of sexual harassment and assault gained a great deal of public and media attention in 2011 and 2012 as lawsuits continued to be filed against DoD and more cases came to light. The independently produced documentary film "The Invisible War" served to highlight the issue to the general public and encourage further interest, including congressional scrutiny, even as victims continued to come forward. The highest-ranking currently serving officer accused of sexual misconduct to date is Brigadier General Jeffrey Sinclair, suspended from his position as the 82d Airborne Division's Deputy Commanding General in May 2012. Sinclair is facing charges of forceful sodomy, wrongful sexual conduct, possession of pornography while deployed and several lesser charges.¹³

Interest in this case paled in comparison to the storm of national media coverage unleashed when retired General David Petraeus suddenly resigned as CIA Director, just days after the presidential election. In the story's initial days, coverage was both pervasive and explosive, reminiscent of the New Year's 2011 media storm that brought down Captain Owen Honors. Yet the Petraeus case dominated the national stage much longer, even as twists and turns continued to add new players and salacious details on a daily or sometimes even hourly basis. The fallout continues.

Within DoD, the focus on ethical training and education of senior officers has been growing. The Army has also focused on training and education across the force and has remained dedicated to ensuring the military justice system is fully effective, both fair and responsive. In 2009, Military Police Soldiers began to receive specialized training in how to question and understand victims of sexual assault and the JAG Corps

began to focus on providing specially-trained prosecutors for these cases. The JAG Corps added 15 special-victim prosecutors in 2009, along with eight more prosecutors to specialize in the investigation and litigation of cases involving sexual misconduct, domestic abuse and child abuse.

But beyond the conduct of individual senior leaders themselves, the primary focus for the Army's senior leadership has been on the overall mental health of the force, Soldier fitness and resilience under continued and long-term stress. The rising suicide rate was the primary issue that first highlighted the problems associated with high-risk behaviors. The resulting scrutiny exposed a number of underlying issues related to atrophying discipline, a perceived lack of front-line leadership and the issue of gaps in policies and programs that were designed to improve accountability.

Legal professionals are involved in all aspects of the issues confronting a rapidly changing force. Military attorneys are charged with maintaining high levels of competency in six areas: military justice, whether serving as a prosecutor, defense attorney or judge; legal assistance; contract and fiscal law; claims; administrative law; international law; and operational law. Operational law includes the complexities of providing legal advice to commanders on domestic, foreign and international laws that affect the conduct of operations. All are critical to the Army as a profession and a values-based institution as it supports, defends and represents the interests of the United States of America. As A. Edward Major recently commented in *Military Review*, a commander's reliance on legal advice is increasing: "Here, the legal profession and the profession of arms meet, evolving as to how to most effectively work together."¹⁴

The Road from War

Earlier, in July 2010, the Army had released its *Health Promotion, Risk Reduction and Suicide Prevention (HP/RR/SP) Report*, the result of a year-long study to understand the growing suicide rate in the ranks. The most comprehensive review of the health and discipline of the force completed in the past ten years, the report was revealing in a number of ways. It showed for the first time how the operational tempo of a decade at war, a rapidly changing Army structure, the activation of the Installation Management Command, Base Realignment and Closure decisions and other actions had a major impact on the Army's health and discipline. Repeated deployments, unit basing movements and other unsettling actions had the effect of creating a permissive environment with decreased Soldier accountability and less leader responsibility. The propensity for Soldiers to engage in high-risk behavior was highlighted in every measurable area from the wearing of seat belts to burgeoning numbers of motorcycle accidents, from a rising divorce rate to a major increase in the use of prescription drugs. The data served to illustrate the need for leaders to recognize the indicators associated with high-risk behavior and the complexity of their interrelationship, and to intervene and act early—and decisively.¹⁵

The section of the report dealing with the topic of garrison leadership went beyond that of Army life in a home-station environment. It dealt more broadly with issues of fitness and resilience of the force and the complex implications of how unchecked high-risk behavior—coupled with additional behavior-altering risk factors such as drug or alcohol addiction—can escalate into major and often dramatic problems, from suicide to criminal acts. When standards slip we begin to see dangerous trends in behavior. The Army's support communities who witness the fallout and impacts from such behavioral issues first are also those who often serve as first responders, from chaplains to criminal investigators, health care providers and counselors and judge advocates to first-line supervisors and the Soldier's full chain of command. "An instance of drug abuse for example, involves the commander, service providers, law enforcement and judge advocates working together to resolve both the incident and the broader implications of potential trends."¹⁶

The second report on the health of the force was published in April 2012. *The Army 2020: Generating Health and Discipline in the Force Ahead of the Strategic Reset—Report 2012* is a further assessment of what the Army has learned regarding behavioral and physical health conditions and their relationships with disciplinary problems. While detailing the complexity of the interrelationship between high-risk factors that contribute to disciplinary issues, the report also explores gaps in policy and implementation.¹⁷

The first half of the book looks at behavioral health, medical issues, post-traumatic stress, depression and drug/alcohol abuse, suicide and the intricacies of the Integrated Disability Evaluation System (IDES). The second examines issues of discipline and accountability; felonies, misdemeanors and family abuse; drug surveillance, testing, detection and response; issues associated with multiple felony offenders in the ranks; and the role of leadership in maintaining the health and discipline of the force. Its purpose is to educate and provide guidance to leaders to help them understand, act and enforce good order and discipline.¹⁸ Sergeant Major of the Army Raymond F. Chandler III states it succinctly when he speaks with troops. “Know the standard, set the standard, enforce the standard. You do these things and this Army will be fine.”¹⁹

The Profession of Arms

The Army’s first annual report on the Profession of Arms was issued by the Center for the Army Profession and Ethic (CAPE) at West Point, New York, in April 2012. The report addressed seven focus areas and initiatives designed to further the development of the profession. These go to the notion of institutionalizing Army profession concepts, building trust and improving standards and discipline.²⁰ Army Chief of Staff General Raymond T. Odierno has said that trust is one of the six essential characteristics of the Army profession. “It requires . . . that we keep faith with each other, our volunteer Soldiers and our nation as we pass this important cornerstone of our republic to a new generation of Americans.”²¹ The report also includes a substantial focus on certifying Army professionals, the role of leadership and Soldier development for the Army of 2020 and the need to strengthen and reinforce the Army’s culture.²²

We must focus on the Army’s culture to ensure that discipline and standards are recognized as critical and necessary for professionals to retain their “membership” in the profession, that the culture embraces those who do maintain trust and keep faith and that candid views and critical discussion are encouraged as part of a professional ethic. This is a point that must be continually emphasized in leader development and ethics education at all levels.

Beyond the individual cases, where senior leaders personally fail to uphold the ethics, values and standards of the profession, we cannot tolerate leadership gaps between what the Army professes and what it does as an institution. As an example, when we espouse the goal of taking care of Soldiers and then are forced to face a major, public scandal such as that of the living conditions at Walter Reed Army Medical Center, such an instance seems to provide dramatic evidence that breaks faith and renders our statements of support worthless. Likewise, if a Soldier is diagnosed with a personality disorder (rather than post-traumatic stress disorder), it could present the appearance of a ruling for budget reasons. Could such a diagnosis affect Veterans Affairs (VA) medical treatment or other benefits? If such perceptions are widespread, then the reputation of the profession as a whole can suffer. Indeed, the foundation must be able to resist this type of erosion; it is the most dangerous of all insider threats, one that could irrevocably harm the Profession of Arms. Leaders must unflinchingly uphold values, in every way, for themselves and every member of their formation, in every part of the Army.

The institution cannot be a home or haven for “some of us” but must be equally accessible to all members of the profession. General Odierno has said flatly, “This is not a good ol’ boy network. I’ll tell you that right now. This is not a good ol’ boy network and when you do something wrong you become accountable.”²³

This view of equality and equal treatment under the law is like that espoused by the Judge Advocate General’s Corps, a strong regimental cadre of legal professionals who maintain the highest respect for the law and the legal profession’s strict requirements for specific technical knowledge, capabilities, standards and ethics. The JAG Corps serves to uphold the moral and legal foundation of the Profession of Arms. They are our Army’s true legal guardians.

Commanders and their leaders, committed and dedicated to the Profession of Arms, have a moral and legal obligation to heed the advice of their legal advisors. The staff judge advocate (SJA) is the advisor who is bound by the ethics of both his service and his profession to adhere to the highest of military values and ethics. While commanders may not want legal advice at times or may avoid seeking advice, that does not

absolve the ethics counselor from his duties. Every legal professional who serves a commander looks at an action from the following perspectives:

- Is a course of action legal, moral and ethical?
- Could a course of action give the appearance of being illegal, immoral or unethical?
- Is there an underlying cultural or systemic problem?
- What are the potential second and third order effects of a commander's chosen course of action?

Finally, and perhaps most challenging, the SJA must determine whether he or she has the moral fortitude to confront a commander and say, "No, sir. That is the wrong thing to do." We depend on our legal professionals to do just this. We need their unbiased, professional judgment as commanders and we rely on their seasoned, professional reasoning, particularly in the most difficult and complex of situations.

To assist commanders at all levels with many of the complex, interrelated issues they may face, the JAG Corps published its new *Commander's Legal Handbook*, in June 2012. The 242-page living document is provided to senior commanders when they receive legal training at the JAG School in Charlottesville, Virginia. It covers every topic from military justice to a command's involvement with private organizations. In the front of the handbook, ten scenarios are outlined. Each is designed to teach commanders to develop systems and a command climate that can help prevent legal issues and provides advice on when to consult a judge advocate for assistance. It is a superb tool for commanders at all levels. But commanders have to use it for it to be effective.

Washington's Law Firm

The JAG Corps was founded on 29 July 1775 by George Washington himself and has a long history of significant and historic involvement in every major war and military "trial of the century" since the first days of the Army's existence. Yet the role of the legal advisor has in the past often been relegated to the background or even disdained by some commanders as a necessary interference rather than recognized for the critical role that the legal professional is honor-bound to fulfill. Why was there never a functional command to support the legal community, one designed to unify training, mass considerable expertise toward a critical objective or provide a ready pool of the most incredible legal talent in the country?

The creation of such an organization was the goal of a group of judge advocates, legal administrators and paralegals, both active and reserve component, who first met in November 2004 to plan for the development of a Legal Command. The vision for a Legal Command represented the synchronization of two visions: then-Judge Advocate General Lieutenant General Scott Black's vision of transforming the Army's Reserve legal force to meet the needs of an expeditionary Army and the Army Reserve's transformation from a strategic reserve to an operational force organized in operational and functional commands.

Years of planning, discussion, wrangling and change finally led to the birth of this unique organization. The new command would also improve the training and professional development of the members of the Army Reserve JAG Corps and further burnish its image as the corps with the goal of maintaining the highest of standards. The Army activated the U.S. Army Reserve Legal Command on 16 September 2009. Then-Brigadier General Gill Beck assumed command of the new unit in a historic ceremony at the Judge Advocate General's Legal Center and School (JAGLCS) in Charlottesville, Virginia. With its cadre of newly assigned Legal Support Organizations (LSOs) and with nearly 1,600 legal professionals assigned, the unit had a masterful résumé, one that could easily boast of a nationwide breadth of experience and depth of legal capabilities like no other. With this activation the Legal Command effectively became the largest full-service law firm in the United States. There is no other unit like this in the Army or in the other services.

The Legal Command was immediately successful in improving legal services to the Army and in enhancing the combat readiness of the joint force. On 27 October 2010 the 1st LSO received the Association

of the United States Army's Walter T. Kerwin Award as the Outstanding Army Reserve unit, recognized for excellence in training and readiness. In the first two years of the unit's existence, three JAG captains were recognized for their leadership through receipt of the MacArthur Leadership awards. Captain Andrew W. Culbreath received the award in May 2010, months before the Legal Command's first birthday. Of the seven Army Reserve captains recognized in 2011, two—Jason Trigger and Irvin L. Drummond—were from the Legal Command. The Legal Command continues its strong emphasis on leader development for junior officers.

In September 2012, when the Legal Command completed its transformation, the unit comprised more than 1,700 Soldiers (judge advocates, paralegals and legal administrators) divided into 28 separate units. In the active Army a large number of the legal personnel are assigned at division and corps levels. When a division or corps headquarters deploys, it regularly takes most of its legal assets forward and leaves a rear detachment to manage all remaining personnel and subordinate units on the installation. Yet the bulk of standard legal work (claims, legal assistance, military justice, etc.) does not abate at home station when a unit deploys. In fact, it typically increases in the areas of military justice and legal assistance for family members. Since its inception, the Legal Command has been the force provider to all components for professional support in filling those legal gaps with highly skilled professionals. The Legal Command sends personnel to backfill SJA offices left understaffed due to deployment and likewise supports some functions that may not have had any previous resource support at all. Today, mobilized Reserve Soldiers from the Legal Command are providing legal counsel to wounded Soldiers going through the Medical Evaluation Board/Physical Evaluation Board (MEB/PEB) process, assisting with development of the Rule of Law in Afghanistan and supporting the creation of Status of Forces agreements in Africa.

The Legal Operations Detachments (LODs) are all commanded by colonels. Three of these units are trial defense service units under the technical supervision of the U.S. Army Trial Defense Service. One of the LODs is a trial judiciary unit comprising military judges and court reporters, under the technical supervision of the U.S. Army Trial Judiciary. One LOD comprises all of the 27 Series Individual Mobilization Augmentee positions from the Judge Advocate General Legal Center and School, the Office of the Judge Advocate General and the U.S. Army Legal Services Agency. The remaining 23 LODs, multifunctional units capable of providing full-spectrum legal support, train and deploy according to a functional Army Force Generation cycle. The legal community has proven they are fully capable of supporting a fully trained and ready expeditionary force.

The Legal Command fully realizes the significance of its role in supporting the Profession of Arms and recognizes that the majority of legal challenges their professionals face in the next ten years will be the result of the operational challenges of more than a decade at war. The Legal Command wants to ensure going forward that the Army does not lose sight of the strategic significance of a legal misstep. The Legal Command is increasing its expertise in cyber law, expanding legal training for command teams and teaching them to use their legal teams effectively.

The Foundation

The foundation of the military profession remains grounded and firm. The significance of the Army legal professional, one grounded in both the military ethic and the highest standards of ethical behavior as an officer of the court, cannot be overstated. In "Marching Orders, 38th Chief of Staff, Army," published in January 2012, General Odierno listed the characteristics of the future force as he sees them. Woven expertly into this simple yet deeply powerful narrative is the role of the legal professional, from ensuring the lawful application of landpower to the exercise of effective mission command. General Odierno charges his leaders, "Be your formation's ethical and moral compass."²⁴ The SJA has the expertise to assist and provide sound counsel to commanders in this, the most critical component of mission command.

Why have some commanders failed so dramatically in these past few years? Have we not stressed always the need for Army NCOs and officers to live the Warrior Ethos, to serve selflessly and to have values above

reproach? Why then do we continue to see cases where leaders fail to live up to those standards? Have we been successful in changing our culture or are the behaviors that belie it merely less apparent?

Hubris, that special brand of arrogance born of success, often plays a significant role. As retired Lieutenant General Walter F. Ulmer said, “Military environments are fertile ground for both growing outstanding leaders and tolerating tyrants.”²⁵ Often a focus on mission success and a forward focused, “can do” attitude can provide just the right environment and perhaps even the opportunity to permit the development of a toxic leadership style. Couple that with a sense of entitlement and disaster will inevitably result. One stunning example is that of Lieutenant General Patrick O’Reilly, the former head of the Missile Defense Agency. The DoD Inspector General found O’Reilly guilty of just such a leadership style, citing multiple incidents in which he mistreated his senior staff in public and berated subordinates in internal meetings.²⁶ Ultimately, as Ulmer stated, “Most actions to relieve a toxic leader were set in motion only after a public spectacle forced an investigation that uncovered toxic leadership as a root cause.”²⁷

The Army is confronting the need for strong, principled leadership through an increased focus not only on the back-to-basics of good order and discipline but also on leader development, by ensuring that leader development courses are designed for a higher impact, providing improved officer and NCO evaluation reports that work better as leader-development tools and institutionalizing the 360-degree leadership review. These improvements must continue to ensure that leaders develop with a firm grounding in the Army’s foundational values, regardless of the complex challenges the force will face en route to 2020.

The antithesis of the toxic leader is the servant leader model, a leader who seeks to support, train and improve his Soldiers and put their needs before his own. The servant leader is humble, not arrogant. He does not express entitlement to promotion, recognition or favors. He serves. This is the leader who leads with inspiration and vision, empowers subordinates and is able to put his ego aside and be genuine with others. This is a leader who can accept an evaluation not only from superiors but also from peers and subordinates and learn from it, and then strive to improve himself.²⁸ This is the leader Soldiers need and can trust.

We as an Army have continued to look inward, to evaluate, to judge and then to improve. The Army’s self-assessment on the Profession of Arms undertaken in the past few years is not the first such inward look in recent times. In 1986, *Officers’ Call* focused on the Profession of Arms with then-Chief of Staff, Army General Carl Vuono introducing the magazine’s content—three lectures by Lieutenant General Sir John Winthrop Hackett, K.C.B., C.B.E., D.S.O., M.C., given at Trinity College, Cambridge, in 1962. In his third lecture Hackett talked about an officer’s responsibilities:

It is worth remarking here that as an officer rises higher in his profession the demands made upon him in the administration of justice increase. The machine is efficient but must be most jealously watched. A senior officer who confirms punishments often has the power to modify or lessen them. He will not do so without most careful inquiry, to which he will also bring a compassion and common sense. This can tax a whole mind and it brings its own rewards.²⁹

In 2000, the Army published a leadership report, *The Chiefs of Staff, United States Army: On Leadership and The Profession of Arms*. In this book, covering the period 1979–1999, five former Chiefs of Staff offer their thoughts on a variety of topics related to leadership, values, trust and the discipline of the force. General Gordon R. Sullivan, the 32nd Chief of Staff (1991–1995), summed up his views on the Profession of Arms most succinctly:

We live by General Order 100: “Men who take up arms against one another in public war do not cease on this account to be moral beings responsible to one another.” As leaders, we do not simply take action to achieve an end. We must act responsibly. We must accomplish our tasks in a manner consistent with our values. The importance of those values to the nation and to us as leaders cannot be overstated. For the nation, an Army rooted in values is the surest defense against tyranny from within and defeat from without.³⁰

The Framework of the Army Ethic³¹

	Legal Foundations (codified)	Moral Foundations
<p>Army as Profession</p> <p>(Values/norms for performance of collective institution)</p>	<p style="text-align: center;"><i>Legal–Institutional</i></p> <ul style="list-style-type: none"> • The U.S. Constitution • Title 5, 10, 26, U.S. Code • Treaties to which U.S. is party • Status of Forces Agreements • Law of Land Warfare 	<p style="text-align: center;"><i>Moral–Institutional</i></p> <ul style="list-style-type: none"> • The U.S. Declaration of Independence • Just War Tradition • Army Culture – “Can-do” • Trust Relationships of the Profession
<p>Individual as Professional</p> <p>(Values/norms for performance of individual professionals)</p>	<p style="text-align: center;"><i>Legal–Individual</i></p> <ul style="list-style-type: none"> • Oath of: <ul style="list-style-type: none"> ◦ Enlistment ◦ Commission ◦ Service • U.S. Code – Standards of Exemplary Conduct • Uniform Code of Military Justice • Rules of Engagement • Soldier’s Rules 	<p style="text-align: center;"><i>Moral–Individual</i></p> <ul style="list-style-type: none"> • Universal Norms: <ul style="list-style-type: none"> ◦ Accepted Human Rights ◦ Golden Rule • Creed & Mottos: <ul style="list-style-type: none"> ◦ Duty, Honor, Country ◦ NCO Creed, Civilian Creed ◦ 7 Army Values ◦ Soldier’s Creed, Warrior Ethos

The Legal Guardians

Rooted in values, with a foundation that is based on trust as its unassailable bedrock, the Army as a profession is solidly grounded in its values and bound by its oath to the nation and service to the Constitution. Regardless of the increasing demands along the uncertain route to 2020, the complexity of challenges the Army will face, or the limits of budgetary realities, the Army will continue as an institution to be one of America’s most highly respected. Even as the Army faces many future challenges, with variations and permutations and implications across the spectrum of security issues, the institution itself must remain strong and true to its foundation and pillars of selfless service. Our faith in our leaders must continue unabated. Our leaders must continue to earn that faith, through unquestionable personal adherence to standards and values.

Finally, for the Army to retain its preeminence in a special position of trust with the American people and internally, with its own members, the JAG Corps must continue to be recognized and respected for their critical role in upholding the moral and legal foundation of the Profession of Arms. The members of the JAG Corps remain poised to support and defend Army values; teach ethics and counsel leaders facing uncertain, complex and often contradictory command challenges; ensure fairness in the enforcement of discipline and military justice; and always support the supremacy of the rule of law. Our reliance on them demands no less.

Endnotes

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