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The Professional Military Ethic and Political Dissent: Has the Line Moved?

Eric A. Hollister

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and Political Dissent:
Has the Line Moved?**

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The Institute of Land Warfare
ASSOCIATION OF THE UNITED STATES ARMY

AN INSTITUTE OF LAND WARFARE PAPER

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Foreword

In this paper, the author discusses how the military–political line has moved since the United States won its independence. Legislation intended to keep the country’s military leaders and servicemembers out of political debates and decisionmaking has often proved insufficiently specific, opening statutes and regulations to a wide variety of interpretations. The author attests, however, that legislation is not the primary issue in determining the military–political boundary. Rather, the country’s military and political leaders need to reassess how this line should be drawn when considered alongside the current operational environment, generational shifts and technological innovations.

The author cites examples of U.S. military–political dissent and political behavior of former Army officers. He discusses applicable regulations and directives that have been passed down by both military and civilian leadership. Finally, he addresses the environmental changes that have occurred in the past 20 years—changes that seem to dictate an adjustment in what is considered permissible public debate.



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The Professional Military Ethic and Political Dissent: Has the Line Moved?

Introduction

The June 2010 firing of General Stanley A. McChrystal, Commander, U.S. Forces Afghanistan, once again highlighted the friction that occurs when military matters and civilian policy collide and has prompted many to reconsider whether the line separating military affairs and political matters has moved or been erased. It is generally believed that the Army has a long-standing history of avoiding direct involvement with politics or politically charged debates. A closer examination of that history, however, casts doubt on this perception. In the 236 years of the United States' existence, members of the military—both junior and senior—have made many incursions into the political realm, with varying results. The apolitical culture that has informed the Professional Military Ethic, born during the two World Wars of the 20th century, has failed to evolve along with the environment in which it exists. Changes in the behavior of retired general officers, the increasing complexity of the operational environment, the constantly evolving generational characteristics of military personnel and the transformational advances in communications technologies necessitate a change in the military–political boundary line that restricts servicemembers from entering public debate and voicing dissent on political issues that affect the armed services.

The line that delineates the restrictions placed on the military has its roots in the founding fathers' understandable aversion to standing armies, a result of their experience with British troops before and during the American Revolution. Therefore, they wanted legislators to have complete control of the nation's military. The founding fathers ensured this control through various means, including dividing the authority between Congress, who raises and funds the military, and the President, who commands it. This concept of civilian control of the military was inculcated in the Continental Army by George Washington after the start of the Revolution and continued with the creation of the United States Army. Early military regulations reflected a slightly altered version of the British articles of war. It is interesting that a nation who had just liberated itself from monarchical rule would so quickly adopt such laws regarding warfare and Soldier conduct. But John Adams, who was given the thankless task of updating the inadequate colonial articles of war at the behest of General Washington, felt that "there was extant one system of articles of war which had carried two empires to the head of mankind, the Roman and the British" and was "convinced that nothing short of the Roman and British discipline could save us."¹

Since the mid-16th century, the British articles of war had intermittently contained various prohibitions against contemptuous, traitorous or disrespectful words directed at

the sovereign. Adams altered these references to prohibit words against “the authority of the United States in Congress assembled, or the legislature of any of the United States in which he may be quartered.”² These articles evolved their appropriation by Adams and form the foundation of the Uniform Code of Military Justice, with the aforementioned language serving as the basis for Article 88, Contemptuous Words against the President. While political dissent does not necessarily include contemptuous words against elected officials, dissenting statements often are measured against Article 88 first, so it is important for both elected officials and members of the military to understand its context. These articles of war were administered poorly, however, because they were not codified by the War Department or made available to the officer corps.³ As a result, they were unevenly enforced prior to the War of 1812.

The line between the military and politics was blurred in the first hundred years of the United States’ existence, as officers regularly used political influence to advance professional careers and personal interests. Frontier Constabulary duty following the Revolution found officers assuming both civilian and military authority roles in their areas of operation.⁴ Officers formed an association to protest the post-War of 1812 drawdown, bringing their message to Congress and the press.⁵ However, the 1820s and 1830s found officers embracing their military professionalism and thinking about service to the nation as opposed to serving a political party.⁶ This feeling carried through the mid-19th century. In 1866, *Army and Navy Journal* repeatedly urged apolitical behavior from officers, telling them to stay “aloof from all politicians” and avoid “all political meetings.” In 1867, General John M. Schofield refused an overture to run for the Virginia Senate and in 1892 urged West Point cadets to “abstain from active participation in party politics.” By 1920, an officer’s apolitical stance was so ingrained in the Army culture that a group of officers’ wives voting in a local election was viewed as scandalous.⁷ Perhaps more than any other time in the nation’s history, this period saw a clear line drawn—and adhered to—between military and political affairs; post-World War I peace and prosperity no doubt enabled the adherence to this boundary.

World War II produced a bit of a paradox as well as an interruption of the short-lived military–political divide created after World War I. Senior military leaders such as Generals George C. Marshall and Omar Bradley did not vote in elections, considering this decision part of their duty. At the same time, military voting increased as a new generation of officers exercised their right to do so, thanks in part to the Servicemen’s Voting Rights Act of 1942, which attempted to improve the absentee ballot voting process.⁸ The act of voting theoretically led to a need to know, comprehend and discuss the political issues of the day, both in private and in public. The turmoil caused by the Cold War and its major conflicts, Korea and Vietnam, generated a rift in civil–military relations, and the United States returned to a period of blurred lines between military and civilian leadership. The end of the Cold War did not heal this rift, and the boundary of dissent remains murky.

Statutes and Regulations

Statutes and regulations provide a somewhat muddy and at times contradictory codification of the line delineating the boundaries of political dissent. The officer’s commission

states that “the President has reposed special trust and confidence in the patriotism, valor, fidelity and abilities” of the officer. All officers take an oath upon commissioning, swearing to “support and defend the Constitution,” which implies recognizing the President as Commander-in-Chief (Article II) and obeying the laws of the land (Article VI). Of chief concern among these are the provisions of Title 10, which codifies how the armed forces will be raised and maintained. Section 3583, Requirements of Exemplary Conduct, states that “all commanding officers and others in authority in the Army are required . . . to show in themselves a good example of virtue, honor, patriotism and subordination” as well as “to take all necessary and proper measures, under the laws, regulations and customs of the Army, to promote and safeguard the morale, the physical well-being and the general welfare of the officers and enlisted persons under their command or charge.”⁹ Title 10 makes it quite clear that an officer must be loyal and subordinate to the President and his civilian chain of command and must support and defend the Constitution and the laws of the land, while safeguarding one’s own branch of service, unit and those who are in it.

Within this context, however, other directives suggest how officers are allowed to differ with their civilian superiors. The aforementioned Article 88 makes this provision: “If not personally contemptuous, adverse criticism of one of the officials or legislatures named in the article in the course of a political discussion, even though emphatically expressed, may not be charged as a violation of the article.”¹⁰ Title 10, Section 1034, Protected Communications: Prohibition of Retaliatory Personnel Actions, prohibits restrictions on servicemembers’ lawful communication with a member of Congress. Department of Defense Directive (DoDD) 1344.10, “Political Activities by Members of the Armed Forces,” addresses many limitations on members in its 15 pages, including the prohibition on speaking “before a partisan political gathering, including any gathering that promotes a partisan political party, candidate or cause” and participating “in any radio, television or other program or group discussion as an advocate for or against a partisan political party, candidate or cause.” Yet this directive allows a servicemember to “write a letter to the editor of a newspaper expressing the member’s personal views on public issues or political candidates.”¹¹ These limitations seem far from clear; however, DoDD 1344.10 is not alone in presenting the military with confusing and sometimes contradictory rules. DoD Instruction (DoDI) 1325.06, “Handling Dissident and Protest Activities Among Members of the Armed Forces,” states that a servicemember’s “right of expression should be preserved to the maximum extent possible in accordance with the constitutional and statutory provisions . . . and consistent with good order and discipline and the national security” but that no commander “should be indifferent to conduct that, if allowed to proceed unchecked, would destroy the effectiveness of his or her unit.”¹²

Stemming from instruction about a servicemember’s “right of expression” are the rules on what information DoD officials are allowed to report. DoDD 5230.09, which describes the clearance of both official and unofficial DoD information for public release, includes the following guidance:

DoD personnel, while acting in a private capacity and not in connection with their official duties, have the right to prepare information for public release through non-DoD fora or media. This information must be reviewed for clearance if it meets [specified]

criteria. . . . Such activity must comply with ethical standards . . . and may not have an adverse effect on duty performance or the authorized functions of the DoD. . . .

To ensure a climate of academic freedom and to encourage intellectual expression, students and faculty members of an academy, college, university or DoD school are not required to submit papers or materials . . . when they are not intended for release outside the academic institution. Information intended for public release or made available in libraries to which the public has access shall be submitted for review. Clearance shall be granted if classified information is not disclosed, DoD interests are not jeopardized and the author accurately portrays official policy, even if the author takes issue with that policy.¹³

Army Regulation 360-1, *The Army Public Affairs Program*, seems to contradict DoDD 5230.09, stating that “unofficial materials do not require clearance. . . . Service school students, faculty and staff and think tank-type organization members may publish articles without the standard review and clearance process.” The official rules become more confusing with AR 360-1’s declaration that “authors may disagree with current national policies as long as the policy is correctly stated. However, should military forces become operationally engaged supporting that policy, the author may not publish or distribute the material.”¹⁴ This operational clause could become problematic—in an era of persistent conflict, all discussion of current operations could be prohibited, depending on one’s definition of “policy.” These rules are even further complicated by the Army’s new Operations Security (OPSEC) regulations that require an OPSEC review of *anything* being posted or published in a public forum.¹⁵

Interpretations of the Military–Political Boundary

The directives described in the previous section do not help much in defining the boundary of political dissent—and so it is easy to see how the military–political line has remained unclear or wavering during most of the country’s history. Without clarity from the government, the services have defined this boundary themselves through their traditions and culture. When General Omar Bradley was Chairman of the Joint Chiefs of Staff (CJCS), he was asked if he would speak out to the American public if he felt a political decision directly affected his decisions about the military. Bradley responded that he would not. When pressed, he stated that he would speak to the “constituted authorities” but would not go any further than that.¹⁶ General Matthew B. Ridgway, in his first meeting with the Army Staff, stated the three primary responsibilities of the professional officer:

First, to give his honest, fearless, objective professional military opinion of what he needs to do the job the nation gives him. Second, if what he is given is less than the minimum he regards as essential, to give his superiors an honest, fearless, objective opinion of the consequences. Third, and finally, he has the duty whatever the final decision, to do the utmost with whatever is furnished.¹⁷

General Douglas MacArthur, in his farewell address to West Point cadets in 1962, said, “Let civilian voices argue the merits or demerits of our processes of government. . . . These great national problems are not for your professional participation or military solution.”¹⁸

General Harold K. Johnson explained that he and the other senior military leaders had all been brought up in the ethic that “you argue your case up to the point of decision. Having been given a decision, you carry it out with all the force that you can.”¹⁹

Another source that servicemembers can use to guide their understanding of the military–political relationship is *The Officer’s Guide*. This unofficial “owner’s manual,” traditionally given to new Army officers, states that the Soldier

must give professionally sound, accurate, fearless, objective information exactly as he sees it. Upon that solid foundation, when military capability is a consideration, the statesman may then proceed within his own sphere of responsibility to formulate sound policy. Once national policy has been determined, the soldier must prepare to support it. Decision in the field of international relations is the responsibility of civilian leaders of our government. The military leader supports it with all his skill, and all his heart, never divulging that he has or has ever had doubts as to its wisdom.²⁰

Later editions preface the above excerpt with the following clause:

All officers of the armed forces . . . are bound by their oath to do the utmost to achieve the prompt and successful completion of the mission assigned . . . without regard to their personal views as to the correctness of the national policy of wisdom of the orders under which they act.²¹

The tradition of apolitical behavior, which was reinforced within the Army as these quotes by Bradley, Ridgway, MacArthur and Johnson indicate, lead one to believe that such behavior is a black and white issue—that the lines are clearly drawn and widely understood. However, despite their vocal assurances, the overtly political acts of these generals, which will be discussed in greater depth later in this paper, suggest that a large amount of gray area exists.

The military’s civilian leadership has not been able to clearly define this boundary but has instead continued to send a series of mixed messages. President Truman’s Secretary of the Navy, Francis P. Matthews, insisted before a congressional committee that members of the military keep their criticisms to themselves.²² Secretary of Defense Robert S. McNamara encouraged General Johnson to be completely candid with Congress, only to later attempt to influence and direct his testimony.²³ Secretary of Defense Charles E. Wilson asked General Ridgway’s replacement, General Maxwell D. Taylor, questions about his ability to carry out orders from civilian leadership, even if he did not agree with them.²⁴ President Eisenhower stated that Americans should “never confuse honest dissent with disloyal subversion”²⁵ but felt that public dissent once policy had been decided was insubordination²⁶ and that as Commander-in-Chief he was entitled to his subordinates’ loyal support.²⁷

President Kennedy insisted that the military, from the Joint Chiefs on down, factor political considerations into their recommendations and prepare to “take active roles in the policy making process.”²⁸ Uncleared remarks by two Army generals in the late 1970s prompted Assistant Secretary of Defense for Public Affairs Thomas B. Ross to say, “There

are right and wrong lessons to be drawn. . . . The right lesson is that military men should not speak out against established policy. The wrong lesson is that military men should refrain from speaking to the press.”²⁹ This comment only added to the ambiguity and inconsistency. In remarks to the Command and General Staff College, Secretary of Defense Robert M. Gates encouraged the officers to

take on the mantle of fearless, thoughtful but loyal dissent whenever the situation calls for it. . . . I say this because in the positions you will soon assume, you are certain to face situations where you must stand alone in making a difficult, unpopular decision; when you must challenge the opinion of superiors or tell them that you can’t get the job done with the time and resources available; or when you will know that what superiors are telling the press or the Congress or the American people is inaccurate. There will be circumstances when speaking blunt truths could offend superiors and your peers as well.³⁰

Gates’ assertions in this quote exemplify how civilian leadership has failed to give consistent guidance regarding the military–political line, largely because of fluctuating political situations and frequent changes in military and civilian leadership roles.

Historical Examples of Political Dissent within the Military

Having determined that the line delineating the boundaries of political dissent by servicemembers is constantly shifting and inconsistent, it is perhaps more instructive to examine the historical perception of what dissent was deemed permissible or necessary by the military. In 1794 Brigadier General James Wilkinson openly challenged his superior, Major General Anthony Wayne, going so far as to publicly criticize Wayne’s successful Fallen Timbers campaign and blame him for dissension in the officer corps.³¹ In 1806 Wilkinson and Aaron Burr, U.S. Vice President from 1801 to 1805, planned a private military expansion into Mexico and West Florida, in what became known as the Burr Conspiracy. Wilkinson became pessimistic regarding the endeavor’s success and betrayed Burr, hoping to be perceived as the nation’s savior. He even testified at Burr’s treason trial, managing to keep his role in the conspiracy from coming to light.³² In 1812 Brigadier General Wade Hampton challenged Secretary of War William Eustis to a duel; Eustis accepted, but the dispute was settled peacefully.³³ Considering the duel’s possible outcome, this event certainly could be construed as a shocking challenge to civilian control of the military.

At that time, certain types of promotions could be obtained through political influence, prompting most officers to seek out and maintain congressional sponsors. These sponsors could make life miserable for the administration if their officers were not selected. The political implications of filling the vacant Commanding General of the Army position led President John Quincy Adams to consider abolishing the position in 1828. Despite misgivings, he eventually chose Chief Engineer Colonel Alexander Macomb to fill the slot. However, Brigadier General Winfield Scott “refused to recognize the new Commanding General [and] demanded his arrest and appealed to Congress.”³⁴ General Scott eventually acquired the Commanding General of the Army position himself in 1841 and then accepted the 1852 Whig party nomination, running for President while still in uniform.³⁵ This apparently did not create any concern among the military or general population, as the practice

of generals rising to high public office was nothing new. General George B. McClellan followed suit, running (unsuccessfully) for President in 1864, while still in uniform.

In 1916 then-Brigadier General John J. Pershing wrote a piece in the *New York Times Magazine* lamenting the nation's preparedness program, especially in light of the ongoing war in Europe.³⁶ Although published before President Wilson campaigned for reelection under the slogan "He Kept Us Out of War," the article stirred controversy. Later that year, as commander of the Punitive Expedition into Mexico, Pershing maintained a tight grip on what he allowed his embedded reporters to print. Eventually, however, he became frustrated with the constraints placed upon his command and lifted his restrictions on the reporters, saying "nothing, now, should be kept from the public."³⁷ Subsequently, Wilson twice questioned Pershing's loyalty: first during the expedition and second when Wilson was considering whether to appoint Pershing to lead American forces in Europe during World War I.³⁸

World War I hero Brigadier General Billy Mitchell's very public battle, in which he advocated for airpower, led to his 1925 court martial, directly ordered by President Coolidge.³⁹ Mitchell was convicted by a military panel that included Major General Douglas MacArthur. The firing of General MacArthur by President Truman as Commander of UN Forces during the Korean War is a well-known case of an officer crossing the military-political line by voicing his dissent. MacArthur's firing resulted from his ultimatum to the Chinese and his correspondence to the opposition party, criticizing President Truman's policies—some of which was read on the floor of the House of Representatives.⁴⁰

Truman's successor also had issues over politics with generals. From 1953 to 1955, General Ridgway battled with President Eisenhower over the Army's role in the President's New Look strategy. Ridgway made his dissent known on three fronts: through direct opposition, through the media and civilian elites and through Army doctrine.⁴¹ General Harold K. Johnson and the other members of the Joint Chiefs of Staff were not so public in their disagreements with President Lyndon Johnson's administration over the conduct of the Vietnam War, but General Johnson later saw this decision as a shortfall that he would later regret: "I made the typical mistake of believing I could do more for my country and the Army if I stayed in than if I got out. I am now going to my grave with that lapse in moral courage on my back."⁴² While General Johnson's concession lay in his adherence to the apolitical nature of his position, his regret suggests he thought it better not to follow civilian leadership unquestionably.

More recent U.S. history has also had dissenters. In 1990, in the *New York Times*, CJCS General Colin Powell urged more time for sanctions against Saddam Hussein.⁴³ Later, General Powell published an essay in *Foreign Affairs* arguing against President-elect Bill Clinton's policies that advocated for a more assertive U.S. policy of humanitarian intervention.⁴⁴ The President Clinton/Monica Lewinsky scandal in 1998 led many to openly question why the Commander-in-Chief was not held to the same standard as members of the military. This paradox was especially acute given the 1997 threatened court martial of Air Force Lieutenant Kelly Flynn, the forced retirement of Major General John Longhouser and General Joseph W. Ralston's withdrawal from consideration for the post of CJCS—all of whose offenses were similar to President Clinton's and yet led to their fall from prestigious professional positions.⁴⁵

The “Don’t Ask, Don’t Tell” policy regarding gays in the military has twice caused open dissent—first when instituted during the Clinton administration in 1993 and again during the 2010 debate about its repeal. The repeal divided the service chiefs and the CJCS, Admiral Michael G. Mullen.⁴⁶ In addition to the service chiefs’ disagreements, currently serving generals have written opinion pieces⁴⁷ and gay uniformed Soldiers are publically speaking out about the repeal. The most vocal of these Soldiers has been Lieutenant Daniel Choi, who acknowledged his homosexuality on MSNBC in March 2009. Choi was recommended for discharge following his appearance and was discharged in June 2010. In the period between his television appearance and separation from the Army, Choi’s dissention took an extremely public form, including handcuffing himself to the White House fence and conducting a hunger-strike.⁴⁸

The ongoing wars in Iraq and Afghanistan have also produced political dissent by the members of the military. In 2006 First Lieutenant Ehren K. Watada refused to deploy to Iraq with his unit, claiming that the war was illegal and that President George W. Bush had deceived the country.⁴⁹ In 2010 Lieutenant Colonel Larry Larkin feared a different deceit, refusing to deploy to Afghanistan without proof, in the form of a birth certificate, that President Obama met the citizenship qualifications for President outlined by the Constitution.⁵⁰

A more complicated issue arose in 2010, when General McChrystal was relieved of his Afghanistan command after disrespectful and insubordinate comments by the general and his staff appeared in a *Rolling Stone* article. Although his dismissal was not a result of his outright disagreement with the administration, the comments reported in *Rolling Stone* were particularly contentious because they followed previous accusations against McChrystal that he had crossed the political line by seemingly allowing a leaked operational assessment and by giving recommendations for a way forward in Afghanistan during a speech in London in late 2009, prior to the completion of the war strategy review ordered by the President. Both the leak and the speech were viewed as attempts to influence the Obama administration’s Afghan policy.

Retired Generals Have Their Say

Just as vocal dissension within the military has shifted the military–political line in the modern era, the political activity of retired generals has undergone a transformation. The 24-hour news cycle has turned retired military experts into hot commodities during the current wars, and the subsequent increase in cable news channels and programming has only driven up the demand for them to appear on television news programs. While retired generals initially seemed to limit themselves to discussing military topics when appearing on television, they have steadily moved into the political realm. This movement was possibly hastened by retired admiral and former CJCS William J. Crowe’s public support for presidential candidate Bill Clinton in 1992.⁵¹ His decision to advocate for a presidential candidate appeared to open the floodgates to political endorsements, which later included the 2004 endorsement of President George W. Bush by the very recently retired commander of U.S. Central Command, General Tommy Franks, the military’s public face for the Iraq War.⁵²

Retired generals have not limited themselves to political endorsements, however. In 2006, when operations in Iraq were not going well, several retired generals called for the

resignation of Secretary of Defense Donald H. Rumsfeld, in what has become known as the “Revolt of the Generals.”⁵³ Similarly, retired generals have been outspoken recently about the Obama administration’s Afghanistan policy—specifically the July 2011 withdrawal timeline.⁵⁴ Recently there has been reason to doubt the motives of these retirees. In 2008, a report suggested that retired generals appearing as military experts on news programs were spouting DoD-provided “talking points” and that some of these officers had ties to defense industries that stood to benefit financially from DoD policy decisions.⁵⁵ In addition to discussing U.S. wars and defense strategy, retired generals have also waded into debates about international issues and relationships. Retired General Barry McCaffrey, in his role as an adjunct professor at West Point, published an after-action report regarding a visit to Mexico in which he concluded: “Mexico is on the edge of the abyss—it could become a narco-state in the coming decade.” This paper prompted the Mexican Foreign Minister to counter the assertion.⁵⁶

Outspoken retired officers are certainly nothing new. General Ridgway and his successor, General Maxwell Taylor, both continued to battle the Eisenhower administration’s policies even after they retired. Taylor wrote *The Uncertain Trumpet*, a scathing critique of Eisenhower’s New Look policies, and Ridgway spoke out at various public forums.⁵⁷ The difference between their outspokenness and that of today’s retired generals is that today’s communications technologies, particularly cable news, websites and blogs, proliferate the opinions of current retired officers. Because their views are heard far more often than those of officers still wearing the uniform, many assume that the retirees are speaking for the military. Interestingly, since retired officers have not resigned their commissions, they are technically still covered by the same regulations as those still in uniform. In fact, Title 10 specifically mentions retired officers as being part of the Regular Army.⁵⁸ Nonetheless, retired officers, except in the rarest of cases, have not been prosecuted under the UCMJ.⁵⁹

An Increasingly Complex Operating Environment

History has shown that political dissent in the military is a common occurrence. Even so, many feel that today civil–military relations are in crisis. One school of thought believes the senior military leaders have been politicized so much that they are no longer able to “respectfully air judgments to civilian policymakers while on active duty.”⁶⁰ Others feel that civil–military relations have deteriorated to the point that civilian leaders are ignoring military advice, so that the military is on the verge of open revolt.⁶¹ Certainly both cannot be—and are not—true. Friction is inevitable in civil–military relations. More helpful than aiming to avoid discussion of all potentially controversial issues is to analyze possible sources of the friction to gain a clearer understanding of why such friction initially occurs. Such analysis can help to determine if the apolitical military culture requires an adjustment.

In his essay “The Proper Role of Professional Military Advice in Contemporary Uses of Force,” Professor Martin L. Cook makes the following observation:

The lower one goes on the scale of contingencies in peace and humanitarian operations, the greater the complexity one can expect in the intermingling of political ends sought, concerns for domestic political support, issues of media coverage and public reaction to it (the so-called “CNN effect”) and the military means employed.⁶²

With this analysis, Cook proposes that the further armed conflict is from a conventional force-on-force fight, the more complicated the operation will be, and the more nonmilitary personnel will play a role. This concept is very important to the military–political boundary issue, especially when analyzing the examples of dissension noted earlier in this paper. General Pershing’s frustrations in 1916 occurred during a war in which politics limited his professional choices and actions. General Mitchell’s anger was prompted by what he saw as the short-sightedness of a country (and military) enjoying peace following “The War to End All Wars.” General George S. Patton, Jr., a brilliant military commander during World War II, was relieved for politically incorrect statements and actions during his postwar tenure as military governor of Bavaria.⁶³ Similarly, President Truman fired General MacArthur because of politically charged statements the general made about the President’s limited-war strategy. General Ridgway was battling against an Eisenhower administration policy that would forever alter both the moral code and the mission of the military. General Johnson ran up against an administration determined to fight another limited war under politically motivated restrictions. General Powell’s open disagreement with the Clinton administration arose from his belief that the military was being saddled with overtly political humanitarian assistance missions.

In examining these modern-day dissensions between military and political factions, the absence of political dissent from military strategic levels during World Wars I and II becomes quite noticeable. There is good reason for this difference, as Cook notes: “Only in large-scale warfare . . . are political leaders likely to give the military a large measure of autonomy in conducting military operations.”⁶⁴ The last line of Pershing’s order that assigned him to command the American forces in Europe during World War I reflects Cook’s assessment of large-scale wars: “And in general you are vested with all necessary authority to carry on the war vigorously in harmony with the spirit of these instructions and towards a victorious conclusion.”⁶⁵ Because these two wars were large-scale, military battles virtually ensured that the civilians in charge would defer to the judgment of the military leaders while the wars were ongoing. The quotations cited earlier in the paper regarding providing military advice up to the moment of execution were spoken by men who had grown up in a military that was allowed to do its duty in two wars in which the entire nation—military members and civilians—participated. The fact that these quotations are from Ridgway, MacArthur and Johnson—all of whom acted either publicly or privately against their own advice—speaks volumes to the idea that the accepted boundaries for political dissent have not evolved with the changing operational environment.

Generational Differences: Characteristics and Expectations

If the increased complexity of the operational environment is not reason enough to move the military–political boundary line, perhaps generational differences are. While there is debate about the existence of an actual “generation gap,” there is some consensus on the general characteristics and viewpoints of different generations. While our military is currently led by members of the Baby Boom generation, its field-grade officers and their subordinates are made up of Generations X and Y, and differences among the three generations are worth consideration.

Baby Boomers were more likely than younger generations to grow up in a nuclear family where the father worked and the mother stayed home to raise the children. The Boomers were doted on and told they could change the world, which they tried to accomplish by making their careers their top priorities.⁶⁶ As a result, their children, Generation X, are known as latchkey children and are more often born to dual-income and/or divorced parents. Because of their upbringing, the Xers are typically independent and keep their professional and personal options as open as possible. Many saw their parents laid off by companies after years of loyal service, making them distrustful and cynical. Recalling their workaholic parents, they were more likely to seek a balance between work and family. Likewise, Generation Y grew up in circumstances similar to those of the Xers. However, the parenting style of Generation X made Generation Y more open-minded, expressive, accepting and socially, morally and environmentally conscious.⁶⁷ They have been called the “most demanding generation in history,” and they very much want to feel like they add value to organizations in which they participate—be they classrooms, clubs or workplaces.⁶⁸

In turn, such organizations have to demonstrate values and integrity to gain the loyalty of Generations X and Y, as both feel that loyalty is a “two-way street.”⁶⁹ Technology continues to make each successive generation increasingly informed; consequently these generations are more likely to know when a superior is misrepresenting the facts or lacking candor. The 24-hour news cycle and programs such as *The Daily Show* display endless political infighting, grandstanding and self-aggrandizement, which only feed the cynicism and distrust held by the younger generations.

Generations X and Y also differ from Boomers in how they operate in the workplace. Since the 1980s, early education has emphasized participation in the decisionmaking process.⁷⁰ As a result, members of Generation Y want their ideas valued and respected—they want to make an immediate and significant contribution.⁷¹ In college the Xers were encouraged to think critically and challenge accepted answers.⁷² Xers are also not overly impressed with rank and will not hesitate to ask piercing, pointed questions of those in authority.⁷³

Generation X’s characteristic boldness in questioning authority figures became more prominent when what could be considered the first shot across the “generational gap” was fired by Lieutenant Colonel Paul Yingling in 2007, when *Armed Forces Journal* published his article “A Failure of Generalship.” The paper was a scathing rebuke of the Army’s general officer corps. The article focused on the Army leadership’s lack of candor in its professional advice to civilian authorities leading up to and during the Iraq war. The paper set off a firestorm of debate and discussion regarding the accuracy of his assertions, resulting in at least one instance of an Army general addressing an assembly of captains to rebut Yingling’s views.⁷⁴

Yingling’s initial incursion violated the cultural limitations on political dissent that were solidified and codified by the “Silent Generation,” who preceded the Baby Boomers and are characterized as a group who valued “hard work, conformity, dedication, sacrifice and patience.”⁷⁵ These boundaries were subsequently reinforced by the loyalty and work ethic of the Baby Boomers and are now being severely tested by Generations X and Y, who are using dramatic changes in technology to give their voices the means to reach the masses.

Technological Advances

Electronic technologies such as e-mail, blogs and social networking sites have dramatically altered how we communicate. Samuel Huntington stated that a nation's military would reflect "the social forces, ideologies and institutions dominant" within its parent society.⁷⁶ Now, it seems, these social forces and institutions are intertwined with the way people use technology to communicate. Generation X has rapidly assimilated these new technologies, and Generation Y has not known adult life without them. The proliferation and perceived indispensability of these technologies have raised questions about whether limiting political dissent is feasible.

E-mail, the earliest of these advances, has become the standard form of communication within the military, often even supplanting the telephone. It now is also the primary means of communication between deployed servicemembers and their families, in the same way veterans of past wars wrote letters to their loved ones back home. The major difference from letter-writing lies in the malleability of the content of an e-mail: it can be forwarded in its entirety, cut and pasted into another e-mail or segmented and used in other forms of digital media (including blogs and social network sites). Once it has been sent, the e-mail's author is at the mercy of the receiver, who may or may not be a member of the military and mindful of its codes, cultures and regulations. Forwarded e-mails can multiply exponentially (and rapidly), as every follow-on recipient can potentially send the message to more than one person. This danger has been around since the early days of e-mail, evidenced by a message detailing the rescue of pilot Scott Grady six days after he was shot down over Bosnia in June 1995. This e-mail spread through the system like wildfire and, although apparently harmless in content, nonetheless prompted DoD to belatedly publish reiterations of policies regarding the handling of sensitive information over computer networks.⁷⁷

An e-mail from a servicemember to his or her mother would be classified as "private communication." Whereas "private communication" might have been clearly defined in the past, it is unclear how the military would respond when, for instance, a message in which the servicemember complains that the country has sent him to war with improper equipment is forwarded by his well-meaning mother to his congressman or members of the press.

Recent technology did not, of course, introduce complaints through private correspondence. For example, in letters to his wife, General George McClellan wrote that President Lincoln "is an idiot, [General Scott] in his dotage—they cannot or will not see the true state of affairs" and that the President "is nothing more than a well-meaning baboon."⁷⁸ Following the Gaines Mill defeat in June 1862, he sent an angry telegram—the original electronic mail system—to Secretary of War Edwin M. Stanton, describing the battle:

I have seen too many dead [and] wounded comrades to feel otherwise than that the [government] has not sustained this Army. If you do not do so now the game is lost. If I save this Army now I tell you plainly that I owe no thanks to you or any other person in Washington—you have done your best to sacrifice this Army.⁷⁹

This message made it through at least two telegraph operators before the head of the War Department telegraph office in Washington received it and decided to cut out this portion of the message prior to giving it to Stanton.⁸⁰

Clearly, McClellan could have written some spectacular messages, which if forwarded to others, might have gotten him in serious trouble; fortunately for him, it took more effort to pass along a handwritten letter to another recipient than it now does to write an e-mail. Written correspondence was (and usually still is) treated as meant for the recipient only (although many Civil War letters were printed in local newspapers).⁸¹ A message sent electronically carries with it a lowered expectation of privacy. This idea of privacy in the digital age is an important one, since perceptions of what defines privacy are changing rapidly. Younger generations who have grown up with this technology are used to greater levels of personal transparency.⁸² They have replaced old forms of private communication, such as letters or diaries, with far less private new ones: social networking sites and blogs.⁸³ They do so believing that online conversations are more private than they actually are.⁸⁴

Social networking sites fall between an e-mail's tenuous grip on private correspondence and the public nature of a blog. One Army officer and blogger explains what happens between seemingly very private and very public communication realms: "My personal opinion is there isn't that much difference between e-mail and social media. If I'm sending an e-mail back home to the family or posting something on Facebook that I allow my family to see, I don't see much difference between the two."⁸⁵ Sites such as Facebook allow users to share personal information and photographs with those whom the account owner has accepted as "friends." Certain aspects of the account are available to anyone, if allowed by the user-defined settings. Information posted to Facebook is similar to a pre-forwarded e-mail: everyone on one's friend list gets to see and comment on the posted information immediately. As with e-mail, recipients can copy and paste this information and use it as they please. The younger generations have embraced online social networks as an escape from environments that have become more constrained—such as life in the military.⁸⁶ Because they feel they still control the audience of their posts, there is less self-policing of content, and thus unfiltered emotions are more often on display. Most users of social network sites treat the content like a casual conversation, a contrast to the more "official-feeling" discussion of a blog.

The military has recently embraced blogs as a place for professionals to exchange ideas, with the Combined Arms Center (CAC) blog leading the way for the Army in June 2008. Blogs have expanded the audience for discussions that formerly took place only in offices and break areas; because blogs can be accessed by anyone, bloggers can unleash many dissenting opinions that used to be primarily shared in private communications. The Army now even encourages these online discussions:

The U.S. Army Combined Arms Center Blog Library is intended to inform and educate readers while providing a medium for intellectual discussion and debate about important issues involving the U.S. military in today's environment. The blogs contained in this library are intended to elicit comment. Our blog rules provide a

wide degree of freedom. They are intended to allow individuals to express opinion and ideas in the interest of intellectual discourse and increased mutual understanding. We strongly encourage intellectual comments and debate.⁸⁷

DoD also has a blog, encouraging participants to share stories and opinions: “[The DoD Blog] is intended to encourage familiarity with and discussion of Department of Defense content. We welcome productive participation from all visitors.”⁸⁸

Blogs have been and will continue to be the forum of choice for those wishing to present an opinion, “altering the tone of discourse between those who would lead and those who would follow.”⁸⁹ Whereas previous generations had to satisfy themselves by yelling at their newspaper, radio or television, today individuals can let the world know how they feel by replying to someone else’s post or by starting a blog of their own. No longer do reporters or newscasters have a monopoly on what is presented to the public as newsworthy. Additionally, the military’s acceptance of blogs as a forum for discussion will force the Army’s leadership to “dig deeper into issues, to think harder about them.”⁹⁰ This, of course, is a good thing, but it could cause some friction with the Baby Boomers, who are known for unquestioned loyalty and a strict work ethic. The sheer number of blogs makes any kind of policing according to the aforementioned OPSEC review problematic. The Army Live blog site alone has links to 29 other official Army blogs. A website set up by Army National Guardsman Jean-Paul Borda indexes military blogs from all over the world. The total number of military blogs, as of June 2011, was 3,100 (with 2,237 of those based in the United States), up from more than 1,500 five years ago.⁹¹ Clearly military blogging is a growing industry, and one that should be policed by enforceable standards, not “cover your back” regulations that cannot possibly be executed as written.

The changes in the complexity, political nature, demographics and technology of the operational environment mandate the inclusion of public debate about the Professional Military Ethic—debate which might conflict with the statutes, regulations and policies of U.S. civilian leadership. As far back as 1957, just after the aforementioned Ridgway/Eisenhower battle, law professor Detlev Vagts declared that “in preventing unofficial opinions from competing in the military marketplace of ideas, we grant a dangerous monopoly to official dogma that may shelter a stagnation and inefficiency we can ill afford in these swift and perilous times.”⁹²

Fifty years later, the times seem more swift and perilous than ever, as Greg Foster explained in 2004:

The age in which we live is distinctly post-modern in character. It is an age characterized by, among other things, the magnifying and multiple effects of the media, the compression of time and space, the growing interdependence of all things in all places, the convergence of the strategic and tactical and heightened public demands on and expectations of government.⁹³

Clearly, such an environment requires engaged, critical-thinking, strategic-minded officers to lead our military and advise our civilian authorities. It is this type of officer who must take the lead “in modifying those aspects of culture that must change to meet the

challenge of the twenty-first century.”⁹⁴ It requires cultivating this spirit in the military’s junior officers so that they can develop into the strategic leaders of tomorrow.

In the United States’ current overseas operations, officers are once again assuming military and civilian leadership roles, similar to the Frontier Constabulary in the nation’s early history. They must lead in combat one minute and deal with local and tribal issues or settle disputes the next. In short, the military is asking its officers to be both warriors and politicians but is not giving them a voice in the policies that have sent them to war—and kept them there. This lack of voice is exacerbated by the fact that the military is an all-volunteer force. Because there is no draft, the current “long war” is being executed by about 1 percent of the population. Draft armies touched most corners of the nation, so the sacrifice was felt and shared by most civilians. Today one can live in the United States and be personally untouched by the war. There are no Vietnam-sized protests, no gasoline rationing, no war taxes. There are very few public voices assuming the role of dissenter for the military—and many who do often speak more from a political than policy standpoint.

One of those voices assuming this public dissenter role—the retired officer—must be balanced by that of those currently serving. This is especially important given that the retired officers belong to the Silent and Boomer generations and have had experiences much different from those of Soldiers currently on active duty. Members of Generation Y have not only served in a completely different Army, they have a fundamental need to contribute, to be heard and to receive feedback regarding the direction of their Army. If they do not feel their input is valued and respected, they will vote with their feet and depart the service.⁹⁵ Further, the Army’s strategic leadership must make every effort to ensure public awareness that the retired officers speak for no one but themselves.⁹⁶ The leadership must master the new media while simultaneously being masterful leaders, ensuring Army policies, operations, difficulties and shortcomings are explained by those in uniform before the pundits have time to weigh in. Those who are worried that public dissent by members of the military could damage the concept of civilian authority over the military or, worse, spawn some kind of an uprising, need only look at the numerous checks and balances that ensure decisive civilian control of the military. As stated earlier, authority is shared between the Executive and Legislative branches, with officers serving at the pleasure of the President and with Congress approving all officer promotions. All funding, including operating budgets and pay, is controlled by Congress. Furthermore, even though military dissent has always been present to some degree, civilian control has never been challenged, even when our country was a fledgling democracy.⁹⁷

Drawing the New Line

Having determined the necessity of military public debate and dissent, the question becomes what, if any, boundaries need to be placed on this new freedom. Certainly speech without any regulation could become highly disruptive or damaging—at least to the Army if not also to civilian control. The previously cited DoDI 1325.06 provides nearly all of the oversight needed for such an endeavor. This DoD Instruction enjoins the commander to properly balance a Soldier’s right to free speech with the continued effectiveness of the unit. The actual text says the speech must not “destroy” the effectiveness of the unit,

providing ample room for dissent.⁹⁸ In four simple sentences, the DoDI (along with applicable articles in the Uniform Code of Military Justice) provides commanders at all levels everything they need to know to ensure that the required balance is achieved.

A commander can turn to history to find help in determining when dissent crosses the line. President Lincoln, during a debate about the imprisonment of a protester during the Civil War, outlined three conditions he felt that, if met, justified the restriction of public speech: 1) “the person intends to cause unlawful conduct,” 2) “the speech interferes with military activities” and 3) “the speech does not discourage unlawful conduct.”⁹⁹ Similarly, in 1919, Justice Oliver Wendell Holmes outlined a “clear and present danger” test:

The question in every case is whether the words are used in such circumstances and are of such nature as to cause a clear and present danger. . . . When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight.¹⁰⁰

Weighed against these tests and the UCMJ, commanders should be able to determine what constitutes speech that destroys unit effectiveness.

While the policing of this dissent falls to the commander, he or she would not be permitted to share in the public debate and dissent, nor would any other green-tab leader at any level.¹⁰¹ This clause is part of the “weight of command”: leaders at all levels must take ownership of their orders. Any inkling that a leader does not fully support an order he is giving results in a lack of enthusiasm or efficiency during execution or, at worst, a downright refusal to obey. This result would clearly destroy the effectiveness of the unit and thus be in violation of DoDI 1325.06. Leaders must use their professional expertise and experience to ensure their chain of command has all the necessary information to properly execute the mission. They must, as General Johnson said, argue their case up to the point of decision and then execute their orders to the best of their ability.

There are options available to leaders when their level of disagreement cannot be morally overcome. They may seek an audience with the next level in the chain of command, they may request removal from their current assignment or, in extreme cases, they may resign in protest. Much has been written regarding the latter option. One school of thought maintains that leaders must be prepared to “resign in protest over matters of fundamental principle, rather than hiding behind the cowardly careerist claim that they can do more good by remaining silent and working from within the system.”¹⁰² Those taking the opposite view think resignation is an overtly political act, maintaining that

if servicemen and servicewomen at any level of the military begin to condition their continued service on personal moral standards or whether they agree with their civilian superiors, the U.S. military would become thoroughly politicized from the inside and might come apart in wartime.¹⁰³

Most of the debate centers on the dilemma of General Johnson during the Vietnam War and whether he should have resigned. The resignation of such a senior officer would have had an impact on the effectiveness of the organization, thus violating the DoD Instruction, so any such decision was not to be taken lightly. It is interesting to note that Johnson

himself received counsel from General Omar Bradley, who encouraged him not to resign but rather to continue to fight his battle, on the inside, to the best of his ability.¹⁰⁴ Bradley was nearly 20 years older than Johnson—a generation apart, as it were—and had an entirely different military experience, which informed the advice he passed onto Johnson.

These two sets of rules may seem unfair to some, but restricting the public dissent of those in leadership positions is not as stifling as it appears. When officers and noncommissioned officers are leading, their focus and energies are rightfully consumed in the training, equipping and welfare of their organization and the study of the application of their craft. Their public discussions should revolve around the doctrine and tactics of their particular unit. When these individuals are no longer in leadership positions, they are afforded the time and opportunity to look at the bigger picture and should be encouraged to apply their knowledge and experience to a healthy debate on any topic that impacts the military, directly or indirectly. Once the restriction on them is lifted, one would imagine these former leaders to be eager to share their views.

Of course, in all public discourse, whether in print media such as military publications and newspapers or in electronic forms such as blogs, members of the military need to keep a few things in mind. First, the military is a profession, and any and all discussions should reflect that in language, bearing and tone. Second, servicemembers are subject to all of the articles of the Uniformed Code of Military Justice and all of the laws of the land, particularly those in Title 10. Finally, in accordance with Army Regulation 360-1, they must remember to inform others that “the views expressed in this article are those of the author and do not reflect the official policy or position of the Department of the Army, Department of Defense or the U.S. Government.”¹⁰⁵

When a senior noncommissioned officer remarked to General Johnson that the trainees “did an awful lot of griping,” Johnson replied, “Well, Sergeant Major, they’re infantry privates, and that’s one of the few privileges they have.”¹⁰⁶ The military’s Soldiers and officers are not allowed to publicly debate tactics and ongoing operations because of operational security. Leadership issues are discussed within units or through the chain of command. Members of the military must be able to thoughtfully discuss the plans and policies that shape the future of their Army and how, when and where the military might be used. This intelligent public debate—even if considered dissenting—will improve the quality of the Army, its leaders and the decisions made by its civilian authorities. While this dissent is not necessarily in line with the Professional Military Ethic as it is generally understood, the apolitical military culture has not evolved with changes in retired officer behavior, operational environment complexity, generational characteristics or communications technology.

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- 91 "Milblogging.com," <http://www.milblogging.com/about.php>, accessed 12 September 2010.
- 92 Matthews, "The Army Officer and the First Amendment," p. 26.
- 93 Greg Foster, "Obedience as a Failed Military Ethos," *Defense and Security Analysis* 20, no. 1 (2004), p. 93.

- ⁹⁴ Ulmer et al., *American Military Culture in the Twenty-First Century*, p. 9.
- ⁹⁵ Gravett and Throckmorton, *Bridging the Generation Gap*, p. 98.
- ⁹⁶ Snider, *Dissent and Strategic Leadership*, p. viii.
- ⁹⁷ Hooker, "Soldiers of the State," p. 14.
- ⁹⁸ DoDI 1325.06, "Handling Dissent and Protest Activities Among Members of the Armed Forces," p. 1.
- ⁹⁹ Frederick D. Thaden, Major, *Blogs v. Freedom of Speech: A Commander's Primer Regarding First Amendment Rights As They Apply to the Blogosphere* (Maxwell AFB, Ala.: Air Command and Staff College, 2006), p. 10.
- ¹⁰⁰ *Ibid.*, p. 19.
- ¹⁰¹ The green tab is a leader identification insignia, to be worn by leaders in all units (active Army, Army National Guard and Army Reserve). For more information, see Army Regulation 670-1, *Wear and Appearance of Army Uniforms and Insignia*, http://www.apd.army.mil/pdffiles/r670_1.pdf.
- ¹⁰² Foster, "Obedience as a Failed Military Ethos," p. 95.
- ¹⁰³ Richard H. Kohn, "Always Salute, Never Resign," *Foreign Affairs* (10 November 2009), <http://www.foreignaffairs.com/articles/65644/richard-h-kohn/always-salute-never-resign>.
- ¹⁰⁴ Sorley, *Honorable Warrior*, p. 182.
- ¹⁰⁵ AR 360-1, *Army Public Affairs Program*, p. 24.
- ¹⁰⁶ Sorley, *Honorable Warrior*, p. 296.