

Leaving the Service as a Form of Dissent

by Major Daniel Sennott, US Army

Staff Group 10 A

Essay submitted for 2010-01 MacArthur Leadership Writing Competition

US Army Command and General Staff College

Fort Leavenworth, Kansas

5 April 2010

Leaving the Service as a Form of Dissent

No nation can safely trust its martial honor to leaders who do not maintain the universal code which distinguishes between those things that are right and those things that are wrong.

--General Douglas MacArthur

In a recent letter to the editor of *Stars and Stripes*, an Army Lieutenant General called on servicemembers, veterans and civilians who disagree with the repeal of “Don’t Ask, Don’t Tell” to write their chain of command and elected leaders to make their views known.¹ When later asked about the letter, the Chairman of the Joint Chiefs of Staff condemned the General’s actions, adding: “In the end, if there is policy direction that someone in uniform disagrees with...the answer is not advocacy; it is in fact to vote with your feet.”² The debate over the repeal of Don’t Ask, Don’t Tell has once again brought to the fore a debate central to leadership: what is the appropriate way for military

¹ Lieutenant General Benjamin Mixon, *Letter to the Editor: Let Your Views Be Known*, *Stars and Stripes*, March 8, 2010. The letter by Lieutenant General Mixon, Commander of U.S. Army Pacific Command, stated:

The recent commentaries on the adverse effects of repeal of the "don't ask, don't tell" policy were insightful.

It is often stated that most servicemembers are in favor of repealing the policy. I do not believe that is accurate. I suspect many servicemembers, their families, veterans and citizens are wondering what to do to stop this ill-advised repeal of a policy that has achieved a balance between a citizen’s desire to serve and acceptable conduct.

Now is the time to write your elected officials and chain of command and express your views. If those of us who are in favor of retaining the current policy do not speak up, there is no chance to retain the current policy.

Ibid.

² Yochi J. Dreazen, *Military Makes it Tougher to Oust Gays*, *Wall Street Journal*, March 26, 2010, <http://online.wsj.com/article/SB20001424052748704094104575143361700873600.html>.

leaders to deal with policy disagreements? Whether the disagreement is over war strategy in Afghanistan or homosexuals in the military, do leaders have the luxury of simply leaving the Service in response to a disagreement? Or, do they have a greater responsibility to the Soldiers they serve—must they remain in uniform and work to change the policy from inside the establishment? What responsibility do military leaders have to make their disagreements known while still maintaining healthy civil-military relations? This article will explore the appropriateness of military leaders leaving the Service in response to policy disagreements.³ First, the article will survey the responsibilities military leaders have to the branch they serve through the lens of the Army, Navy, and Air Force Core Values. Next, the article will consider the concomitant responsibility military leaders have to act as loyal subordinates to civilian authority. Finally, the article will determine whether resigning or retiring because of a policy disagreement is in keeping with military values.

A Leader's Responsibilities to Soldiers

The Army's Leadership Requirements Model defines an Army leader as one who demonstrates three attributes: character, presence, and intellectual capacity.⁴ In embodying character, leaders in every branch of military service must fuse their personal values with those of the military, demonstrating through word and deed adherence to these inviolate principles.⁵ By espousing core values, the military does not expect leaders to abandon their personal values. Rather, they are expected to use

³ Although the article will rely on a general officer retirement as a case study, the analysis applies to military leaders at all levels.

⁴ Department of the Army, Field Manual 6-22, *Army Leadership* (October 2006), Figure 2-2.

⁵ *Ibid.*, 4-22.

their personal values and experiences, coupled with institutional values, to provide principled leadership to their subordinates.

The Army expresses these values as “loyalty, duty, respect, selfless service, honor, integrity, and personal courage,” and directs leaders to use them as guiding principles in every decision they make.⁶ Similarly, the Air Force’s three Core Values of “Integrity, Service before self, and Excellence in all we do” visit many of the same themes.⁷ Finally, the Navy and Marine Corps reinforce these same concepts in their Core Values of “Honor, Courage, and Commitment.”⁸ In analyzing the Core Values of the various branches, the common theme among all branches of Service is that all service members, and particularly military leaders, must possess three central attributes: honor, courage, and selfless service. Consequently, any military leader considering leaving the service as a result of a policy disagreement would rely on these values to make their decision.

First, the concept of honor is possibly the most important of the Core Values. The Army defines it as a deep and continuous understanding and demonstration of what is right.⁹ Meanwhile, the Navy refers to honor as the responsibility to “abide by an uncompromising code of integrity,” as well as fulfilling one’s “legal and ethical responsibilities.”¹⁰ Finally, the Air Force views honor as inextricably linked to integrity,

⁶ Ibid.

⁷ Department of the Air Force, Doctrine Document 1-1, Leadership and Force Development (18 February 2006), 4-7.

⁸ Department of the Navy, Instruction 5350.15C, *Department of the Navy Core Values Charter and Ethics Training* (31 January 2008). The Department of the Navy Core Values Charter applies equally to the United States Marine Corps. Ibid.

⁹ Department of the Army, Field Manual 6-22, *Army Leadership* (October 2006), 4-6.

and these concepts serve as the underpinning of a service member's character. Beyond just doing "what is right even when no one is looking," military members with honor and integrity encourage the free exchange of information between superiors and subordinates.¹¹ Specifically, "[t]hey value candor in their dealing with superiors as a mark of loyalty, even when offering dissenting opinions...."¹² The common interpretation among all of the Services is that honor is an indispensable trait of strong character and transcends everything leaders do in representing the military and the service members under their charge.

The second attribute essential to successful military leadership is courage. Both the Navy and the Army specifically articulate courage as an independent core value, while the Air Force views it as a subset of integrity. The Army considers personal courage, particularly moral courage, as the ability to stand firm for what is right and communicate openly and honestly.¹³ The Navy's definition is a bit broader, encompassing courage to face the requirements of one's mission and acting in the best interest of the Service. Finally, the Air Force defines a service member with integrity as one who "possesses moral courage and does what is right even if the personal cost is

¹⁰ Department of the Navy, Instruction 5350.15C, *Department of the Navy Core Values Charter and Ethics Training* (31 January 2008).

¹¹ Department of the Air Force, Doctrine Document 1-1, *Leadership and Force Development* (18 February 2006), 4-5.

¹² *Ibid.*

¹³ Department of the Army, Field Manual 6-22, *Army Leadership* (October 2006), 4-6.

high.”¹⁴ Common to all interpretations is an emphasis on moral courage as the co-equal, and in some instances the superior, of physical courage.¹⁵

Finally, all branches of the military view selfless service as the final integral core value. The Air Force invokes the concept of duty, defining selfless service as “an abiding dedication to the age-old military virtue of selfless dedication to duty at all times and in all circumstances—including putting one’s life at risk if called to do so.”¹⁶ The Army considers selfless service to include “doing what is right for the Nation, the Army, the organization, and subordinates.”¹⁷ Finally, the Navy Core Values refer to selfless service as “Commitment,” imploring every member of the Department of the Navy to “join together as a team to improve the quality of our work, our people, and ourselves.”¹⁸ Common to all of these definitions is a reference to the duty that service members, and specifically leaders, owe to their fellow service members. Specifically, leaders must earn the loyalty of their Soldiers by protecting them from unwise decisions that may, in the leader’s estimation, misuse them. However, leaders also have a duty to their superiors, requiring them to obey the orders of those appointed over them. In addition, leaders have a duty to fulfill their obligations. When a leader takes responsibility for Soldiers, they must demonstrate conscientiousness, or “a high sense of responsibility

¹⁴ Department of the Air Force, Doctrine Document 1-1, Leadership and Force Development (18 February 2006), 5.

¹⁵ The debate over which virtue—moral courage or physical courage—is rarer has continued for hundreds of years. As orator Wendell Phillips noted in the early 1800s: “Physical bravery is an animal instinct; moral bravery is a much higher and truer courage.” Major William T. Coffey, *Patriot Hearts* (Colorado Springs: Purple Mountain Publishing, 2000), 117.

¹⁶ Department of the Air Force, Doctrine Document 1-1, Leadership and Force Development (18 February 2006), 4-6.

¹⁷ Department of the Army, Field Manual 6-22, *Army Leadership* (October 2006), 4-6.

¹⁸ Department of the Navy, Instruction 5350.15C, *Department of the Navy Core Values Charter and Ethics Training* (31 January 2008).

for personal contributions to the Army, demonstrated through dedicated effort, organization, thoroughness, reliability, and practicality.”¹⁹ Combined, the Core Values of honor, courage, and selfless service embody the responsibilities all service members have in serving their country. Upholding these values is the primary duty of any military leader.

A Leader’s Responsibilities to the State

Aside from responsibilities to their fellow service members, leaders have equally important responsibilities to the country they serve. In the United States, military service is a sacred trust in which the military is subordinate to civilian authority. At its foundation, healthy civil-military relations involve the challenge of reconciling “a military strong enough to do anything the civilians ask them to with a military subordinate enough to do only what civilians authorize them to do.”²⁰ When military members attempt to influence civilian policy decisions, whether through statements or actions, society views this as an inappropriate intermingling of military and political power.

Although civil-military relations enjoyed an intellectual resurgence recently, the two principle theories in this field date back to the 1950s. In his seminal work, *The Soldier and the State*, Samuel Huntington argued a theory of “objective civilian control,” in which the civilian authorities dictate military policy, then leave military leaders to decide the operations necessary to achieve that policy.²¹ Central to Huntington’s theory

¹⁹ Department of the Army, Field Manual 6-22, *Army Leadership* (October 2006), 4-6.

²⁰ Peter Feaver, *Civil Military Problematique: Huntington, Janowitz, and the Question of Civilian Control*, *Armed Forces & Society* (Winter 1996), 149.

²¹ Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge: Belknap Press, 1957); James Burk, *Theories of Democratic Civil-Military Relations*, *Armed Forces & Society* (Fall 2002), 7.

is an understanding of liberal theory, in which the primary concern of the state is to protect the individual rights of the citizen.²² As a result, the military must be strong enough to defeat external threats, while still being subservient to civilian authority. Huntington believed that the only way to achieve this balance was to grant military leaders the latitude to conduct military operations without unnecessary interference from civilian authorities. As such, Huntington believed the only way for objective civilian control to operate effectively in a liberal society like the United States is for the military to be comprised of professional officers who will obey civilian control.²³

In responding to Huntington's theory, Morris Janowitz advanced the "civic republican theory." Janowitz argued that instead of individual rights, the primary focus of a democratic state should be "engaging citizens in the activity of public life."²⁴ By involving the citizenry in the operation of the state, it expands the interest of the citizen from an interest in common, rather than individual, welfare.²⁵ As a result, the civic republican theory was primarily concerned with keeping citizens involved in public service and fostering a greater understanding among military members of civilian political issues.

Central to both Huntington and Janowitz's theories is the importance of civilian control of the military, a concept which is further enforced in law. The United States

²² Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge: Belknap Press, 1957), 149. As Huntington explains, the traditional functions of a liberal state are: "the political function of adjusting and synthesizing the interests within society; the legal function of guaranteeing the rights of the individual; and the economic and social function of broadening the opportunities for individual self-development." Ibid.

²³ James Burk, *Theories of Democratic Civil-Military Relations*, *Armed Forces & Society* (Fall 2002), 10.

²⁴ Morris Janowitz, *The Professional Soldier: A Social and Political Portrait* (New York: Free Press, 1971); James Burk, *Theories of Democratic Civil-Military Relations*, *Armed Forces & Society* (Fall 2002), 10.

²⁵ James Burk, *Theories of Democratic Civil-Military Relations*, *Armed Forces & Society* (Fall 2002), 10.

Code, Title 10, Section 3583, enjoins commanders and all others in authority in the military “to show in themselves a good example of virtue, honor, patriotism, and subordination; . . . [and] to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Army, all persons who are guilty of them....” As the statute makes clear, the definition of a good military leader is one who is, among other attributes, subordinate to civilian authority and the rule of law.²⁶

In addition, the Uniform Code of Military Justice (UCMJ) contains a punitive article related to the preservation of civilian control. Article 88 of the UCMJ, “Contempt toward officials” provides:

Any commissioned officer who uses contemptuous words against the President, the Vice President, Congress, the Secretary of Defense, the Secretary of a military department, the Secretary of Homeland Security, or the Governor or legislature of any State, Territory, Commonwealth, or possession in which he is on duty or present shall be punished as a court-martial may direct.²⁷

There are two significant aspects to this punitive article. First, the article specifically prohibits commissioned officers from demonstrating contempt toward officials. This is likely a reflection of the authority granted to commissioned officers as leaders of the military. Secondly, this Article is rooted in deep tradition. A prohibition on speaking out against civilian authorities has applied to the military since the Revolutionary War.²⁸ As Chief Justice Earl Warren stated when discussing civil-military relations, “A tradition has been bred into us that the perpetuation of free government depends upon the continued

²⁶ Don M. Snider, *Dissent and Strategic Leadership of the Military Professions* (Carlisle: Strategic Studies Institute, 2008)

²⁷ Uniform Code of Military Justice, Article 88 (2008).

²⁸ *United States v. Howe*, 37 C.M.R. 429 (1967).

supremacy of the civilian representatives of the people.”²⁹ As a result, laws and punitive articles prohibiting military involvement in political matters have sought to preserve the deep civil-military tradition in the United States.

Leaving the Service as an Act of Dissent

Having established the responsibilities leaders have to both their fellow service members and the Nation, this section will focus on the appropriateness of leaving the Service as an act of dissent. The discussion will be divided into two subcomponents: whether the act is appropriate from the perspective of a leader’s duty to his fellow service members, and whether the act is appropriate as a form of dissent from government policy decisions. This section will rely on the facts surrounding former Air Force Chief of Staff General Ronald R. Fogleman’s early retirement as a tool to inform the discussion.

Air Force Chief of Staff General Ronald R. Fogleman retired in 1997 after wrestling with many of the issues discussed in this article. In the months leading up to his surprise retirement, General Fogleman had strong disagreements with then-Secretary of Defense William Cohen.³⁰ In addition to the perceived bungling of First Lieutenant Kelly Flinn’s adultery case, Fogleman was particularly upset over the punishment of the officer in charge of the Khobar Towers complex at the time it was attacked by terrorists.³¹ Fogleman felt that the officer did everything he could to prevent the bombing and that further punishment would only have a chilling effect across the

²⁹ United States v. Howe, 37 C.M.R. 429 (1967).

³⁰ Dr. Richard H. Kohn, *The Early Retirement of Gen Ronald R. Fogleman, Chief of Staff, United States Air Force*, Aerospace Power Journal (Spring 2001), 2.

³¹ Ibid.

force.³² As a result of these and other disagreements, Fogleman felt that he could no longer be an effective leader and retired after completing three years of a four year tour.

Impact on Fellow Servicemembers

When considering military retirement or resignation over policy disagreements, a military leader must consider the impact on his fellow service members. This analysis can be difficult depending on the nature of the policy issue. For instance, if a military leader disagrees with war policy, the policy's tangible effect on the welfare of service members is relatively clear. The wrong strategic policy decisions in Afghanistan could predictably lead to unnecessary deaths and decreased morale among service members. Military leaders can rely on several past precedents in which bad policy led to unnecessary deaths to guide them in their decision. However, if the policy is related to the internal administrative policies of the Services, the effects on service members can be less clear. For instance, the decision to allow homosexual service members to serve openly is a much more nuanced question, and the consequences of such a policy decision cannot be predicted with certainty. Additionally, GEN Fogleman's decision to retire was not rooted in a particular policy, but rather an intangible perception that institutional values had changed. In such cases, military leaders must rely on both their personal and institutional core values to help guide their decision-making process.

When making the decision to leave the Service, military leaders must first consider whether such drastic action is necessary to preserve honor. As outlined above, honor is the central concept that undergirds the military's core values. This concept requires military leaders to "abide by an uncompromising code of integrity,"

³² Ibid.

while at the same time fulfilling all “legal and ethical responsibilities.”³³ If the military leader believes that accepting the policy decision and continuing to serve would compromise the leader’s honor, then the leader is no longer in a position to provide effective leadership. As General Fogleman stated on his decision to retire, “you really do have to get up and look at yourself in the mirror every day and ask, ‘Do I feel honorable and clean?’”³⁴ Certainly, if the answer is “no”, then the military leader must leave the Service. However, this should be balanced with an appreciation of whether the policy decision is a reflection of enduring Service values, or merely an isolated bad decision that can be mitigated by strong leadership. The leader must determine whether the more honorable action would be to stay in the Service and work to change the policy from inside the organization, rather than leave the Service and have no influence in the matter.

The military leader must next consider the core value of courage. Military leaders must demonstrate moral courage and do “what is right even if the personal cost is high.”³⁵ If a leader believes that a certain policy decision will have a widespread negative effect on service members, then he must demonstrate the courage of his convictions and leave the Service. In the case of GEN Fogleman, he believed that punishing the commander in charge of Khobar Towers was based on politics rather than on the facts of the case. As a result, he felt that unjustifiably “punishing him would have

³³ Department of the Navy, Instruction 5350.15C, *Department of the Navy Core Values Charter and Ethics Training* (31 January 2008).

³⁴ Dr. Richard H. Kohn, *The Early Retirement of Gen Ronald R. Fogleman, Chief of Staff, United States Air Force*, *Aerospace Power Journal* (Spring 2001).

³⁵ Department of the Air Force, Doctrine Document 1-1, *Leadership and Force Development* (18 February 2006), 4-5.

a chilling effect on commanders around the world who might then infer that protecting their forces outweighed accomplishing their missions.”³⁶ Faced with such predictable negative consequences to the service members he led, Fogleman had little choice but to leave the Air Force. Like GEN Fogleman, any leader who believes that service members will be significantly harmed by a policy decision should not sit by, shake their heads, and watch it happen. Rather, they should make the determination that they will not be a part of it, regardless of the personal cost. That is the true essence of moral courage.

Finally, when considering whether to leave military service, a leader must consider the core value of selfless service. Leaders at all levels have a duty to fulfill their obligations to their subordinates, peers and superiors. Each officer takes an oath to “well and faithfully discharge the duties of the office” they enter.³⁷ By leaving the Service, the military leader is electing to prematurely end this duty, a prospect that some leaders find an unacceptable shirking of one’s duties. However, as GEN Fogleman points out, if a military leader is no longer effective because their personal views are in conflict with institutional core values, then selfless service would suggest departure is the best course of action. In Fogleman’s view, leaders serve on two levels: as a member of the greater profession of arms and on a personal level.³⁸ From the

³⁶ Dr. Richard H. Kohn, *The Early Retirement of Gen Ronald R. Fogleman, Chief of Staff, United States Air Force*, *Aerospace Power Journal* (Spring 2001).

³⁷ 5 U.S.C. 3331 (2010). Even if the military leader has made the decision to resign, the final decision is up to the civilian authorities with whom he disagrees. Once commissioned, an officer continues to serve at the pleasure of the President, meaning that any request for resignation could be denied by competent authority. In such cases, the officer would be morally required to continue his duty. Richard Swain, *Reflection on an Ethic of Officership*, *PARAMETERS* (Spring 2007), 4.

perspective of a member of the profession, a leader must continue to serve in furtherance of the profession, regardless of policy disagreements. However, on a personal level, if the leader can no longer effectively lead because of the disagreement, he must do what is best for those he serves and leave the Service. When continued service becomes counterproductive, “[t]hen the institution becomes more important than the individual, and, looking at the core value of service before self, the choice becomes staying another year and going through the motions or stepping down.”³⁹ When considering leaving the military, leaders must assess the impact their departure will have on their fellow service members, and determine whether upholding honor, courage and selfless service necessitates their departure.

Form of Dissent from Policy Decisions

In addition to the impact on one’s fellow service members, leaders must determine what negative impact their departure may have on the military institution and civilian authority. To act honorably, leaders must act with candor and make their disagreements known. Leaders must view candor as an integral part of loyalty, “even when offering dissenting opinions....”⁴⁰ However, military leaders must be careful to prevent their departure from being viewed as a political act calculated to influence civilian policy decisions. In the case of GEN Fogleman, he submitted a carefully worded request for early retirement several days before the Secretary made his final announcement regarding the Khobar Towers officer. By submitting a retirement

³⁸ Dr. Richard H. Kohn, *The Early Retirement of Gen Ronald R. Fogleman, Chief of Staff, United States Air Force*, Aerospace Power Journal (Spring 2001), 13.

³⁹ Ibid.

⁴⁰ Department of the Air Force, Doctrine Document 1-1, Leadership and Force Development (18 February 2006), 4-5.

request, rather than resignation, prior to the formal decision, Fogleman preempted any inference that he was resigning in protest.⁴¹ As Fogleman stated, “the reason it was a request for retirement versus a resignation is that it was consistent with everything that I had said up to that date—which was, this is a tour and not a sentence.”⁴² As Fogleman recognized, honorable leaders must preserve loyalty to civilian authority even when they elect to end their service over policy disagreements.

Leaders must also determine whether, from an institutional perspective, they are truly demonstrating moral courage and selfless service by departing the military. Leaders must consider whether they are facing the requirements of their mission and acting in the best interest of the Service by leaving.⁴³ From one perspective, the top priority should be to retain strong, value-based leaders in the organization and prevent a perception of tension between military and civilian leaders. This reasoning would argue in favor of subordinating your personal views to those of the institution. In such cases, GEN Fogleman recommended: “You ignore it. You keep soldiering on, you just keep slugging away.”⁴⁴ However, the opposite perspective would argue in favor of departure if the military leader can no longer serve as an effective advocate for the military because of policy differences. If the leader stays, he risks being a divisive element within the military. As a result, the military leader must weigh personal versus institutional interests when making the decision to leave the military in protest.

⁴¹ Ibid, 11.

⁴² Ibid, 11.

⁴³ Department of the Navy, Instruction 5350.15C, *Department of the Navy Core Values Charter and Ethics Training* (31 January 2008).

⁴⁴ Dr. Richard H. Kohn, *The Early Retirement of Gen Ronald R. Fogleman, Chief of Staff, United States Air Force*, *Aerospace Power Journal* (Spring 2001), 13.

Some argue that another consideration for leaders should be what impact their departure will have on the policy decision and the military. As the argument goes, the leader runs the risk of being “political roadkill” and his departure will soon be forgotten. In such cases, the leader’s resignation will have been in vain. However, this argument presumes that the leader’s departure was calculated to influence the decisions of civilian authorities. As outlined by Huntington and Janowitz, such interference violates longstanding civil-military traditions and should not be the motivation for leaving. Instead, leaders should leave the military when they believe that they can no longer honorably serve the military and retain their character. When leaders are unable to reconcile their personal values with the established values of the Service, then they have little choice but to leave the military. However, before determining the values of the Service, the leader must be confident that he has done everything legally possible to influence those values from within.

A leader’s decision to leave the military because of a policy disagreement is a complex one. Although “voting with your feet” sounds simple, the actual decision involves assessing the impact the decision will have on fellow service members and civil-military relations. The decision is highly personal, requiring the leader to assess their personal values as well as the values of the civilian and military institutions they serve. Whether the disagreement involves administrative policies like “Don’t Ask, Don’t Tell,” or war policies like troop levels in Afghanistan, the leader must determine if the policy reflects a fundamental change in institutional values, or merely a decision requiring the leader to adapt. In either case, military leaders must rely on the core values of honor, courage and selfless service to guide them in their decision.