

THE GENERALS' REVOLT AND CIVIL-MILITARY RELATIONS

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ABSTRACT

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THE GENERALS' REVOLT AND CIVIL-MILITARY RELATIONS

Beginning in March 2006, at least seven retired Army and Marine general officers departed from normal military behavior by criticizing the handling of the Iraq War effort by civilian leaders of the Pentagon and calling for the resignation of Defense Secretary Donald Rumsfeld. Such a public display of confrontation between the military – albeit from retired officers – and civil authorities is almost unprecedented and raises serious concerns about civil-military relations as well as constitutional questions concerning freedom of speech.¹

In America, where freedom of speech is an inalienable right and civilian control of the military is a founding principle, generals understand they forfeit the right to criticize civilian leaders and their policies. With few exceptions, retired generals continue to follow the long-standing military tradition which discourages public dissent, especially during times of war.

The Generals' Revolt resulted from a crisis in civil-military relations precipitated by a Secretary of Defense who discounted the experience and knowledge of key strategic leaders and refused to accept or even listen to divergent opinion. The gradual and continual politicization of the military along with a decline in military professionalism and ethical decision-making also contributed to setting the conditions for the revolt. As the nation moves forward under the direction of a new President it is time to mend civil-military relations, end the politicization of the military, and reemphasize the importance of military professionalism and ethical decision-making. These measures are necessary to protect the "trust" between the American people and its professional military.

This paper will examine the Generals' Revolt as well as review legal restrictions on the freedom of speech of retired officers. It will also examine the current state of civil-military relations and will conclude with several recommendations to reverse the politicization of the military and improve ethical decision-making through military professionalism. With proper reforms and increased emphasis on ethical decision-making and military professionalism, retired officers will have less need (and desire) to participate in public dissent.

Prior Revolts

Military officers have a long tradition of implementing the decisions of civilian leaders without regard to their own personal opinions. When the conscience of an individual officer will no longer allow him to support a decision, he usually resigns or retires without public comment. Breaking with tradition is rare, but it does occur.

In 1864, General George McClellan said the Civil War was a failure and called for a Peace Convention which would continue slavery. McClellan then won the Democrat nomination and ran against Lincoln's reelection.²

In the 1930s, Marine Major (Ret.) General Smedley Butler, who twice received the Congressional Medal of Honor, said civilian leaders who pursued war were "capitalistic gangsters."³ Butler gave 1,200 speeches after his retirement and often told his audience he spent his military career "being a high-class muscle man for Big Business" and "a racketeer for capitalism."⁴

On March 28, 1949, the "Revolt of the Admirals" began when Secretary of Defense Louis Johnson cancelled the building of the USS *United States* without consulting the Navy. Secretary of the Navy John Sullivan resigned in protest; and

Admiral Louis Denfeld, Chief of Naval Operations, lost his job after telling Congress the Joint Chief of Staff was "making uninformed and arbitrary decisions."⁵

In an effort to contain the revolt, Secretary Johnson issued Consolidated Directive 1, requiring active and retired personnel submit policy comments they planned to make through his office for review. Many officers ignored Directive 1 and Johnson viewed this as "unparalleled insubordination."⁶ Although the Admirals' Revolt received extensive press coverage and numerous Congressional hearings, it did not change history; Johnson remained on the job and the Navy did not build the USS *United States*.⁷

Late in 1950, General Douglas MacArthur, U.N. Commander in Korea, requested President Truman authorize an invasion against China. After the President refused his request, MacArthur took his case to the media and eventually to the Republicans in Congress. MacArthur sent a letter to Representative Joe Martin disagreeing with Truman's policy to limit the Korean War and avoid war with China.⁸ On April 11, 1951, Truman relieved MacArthur of command.⁹

The public confrontation between MacArthur and Truman continues to be the most serious challenge to civilian control over the military. Truman was not a popular president; in 1952, his approval rating was only 32 percent and many considered him to be stubborn, inflexible, and an intellectual lightweight.¹⁰ On the other hand, MacArthur was extremely popular, self-confident, and a towering individual who accepted and demanded adoration.

In the month following MacArthur's dismissal, the White House received 84,097 cards, letters, and telegrams, with 55 percent opposed and 45 percent supporting the

President's decision to dismiss MacArthur.¹¹ In an ongoing poll on PBS's *American Experience* website, 52 percent now believe Truman made the right decision to dismiss General MacArthur while 47 percent disagree.¹²

There are several other incidents where retired generals have publicly criticized civilian leaders and/or their policies, but nothing as significant as the previous two examples. One of the most recent examples occurred in 2004 when General Wesley Clark criticized President Bush's handling of the Iraq War.¹³

The Generals' Revolt

For Marine General (Ret.) Anthony Zinni, the revolt began in the months leading up to the invasion of Iraq.¹⁴ In October 2002, speaking before the annual conference of the Middle East Institute, Zinni publicly concluded a war against Iraq was not necessary, given other higher priority issues facing the United States.¹⁵ Zinni joined the revolt on April 2, 2006, when he called for the resignation of Secretary Rumsfeld because Rumsfeld made "tactical mistakes in Iraq."¹⁶ During this time, Zinni was touring the country promoting *Battle Ready*, a book about his career, co-written by Tom Clancy.¹⁷

The revolt began in 2004 for Marine Lieutenant General (Ret.) Paul Van Riper when he told *Frontline* Secretary Rumsfeld was "arrogant, disdainful of others, lawless, and ignorant."¹⁸ *Frontline* posted his comments on their website but did not air them publicly. On April 15, 2006, he told *The Washington Post* he agreed with the officers calling for Rumsfeld's resignation.¹⁹ General Van Riper retired in 1997.

The revolt began for Major General (Ret.) Paul Eaton in March 2006 when he called for the resignation of Secretary Rumsfeld. In his editorial in *The New York Times*, he said Rumsfeld was responsible for what has happened in Iraq and has shown himself to be "incompetent strategically, operationally and tactically."²⁰

Marine Lieutenant General (Ret.) Greg Newbold, Director of Operations for the Joint Chiefs of Staff from October 2000 through October 2002, told his superiors in 2002 he opposed the war effort.²¹ Newbold retired from the military four months before the invasion of Iraq, due in part to his opposition to those he believed had hijacked U.S. security policy based on the events of September 11, 2001.²²

In an article written by General Newbold for *Time Magazine* on April 6, 2006, he stated his actions were driven by "missteps and misjudgments" of leaders within the Pentagon and the White House. Newbold was outraged with comments made by Secretary of State Condoleezza Rice during a speech given in England on March 31, 2006, when she suggested the U.S. made the "right strategic decisions" but made thousands of "tactical mistakes."²³ Secretary Rice attempted to clarify her remarks in an interview with Wolfe Blitzer.²⁴ It made no difference, and General Newbold and others within the military – to include Secretary Rumsfeld – continued to challenge her comments.²⁵

As Commander of the First Infantry Division from August 2002 to June 2005, Major General (Ret.) John Batiste had opportunities to speak with Secretary Rumsfeld regarding his concerns about the execution of the war, but he never did.²⁶ Batiste said he spoke out because the civilian leadership of the Bush Administration "repeatedly ignored sound military advice and counsel" and senior military leaders "have an obligation in a democracy to say something" when the fundamental principles of war are violated.²⁷ Batiste said he retired in November 2005 because he was "not willing to compromise further the principles of war."²⁸

On April 13, 2006, Major General (Ret.) Charles Swannack, Jr., who served as the Commander of the 82nd Airborne Division in Iraq in 2004, called for Secretary Rumsfeld to resign because of his "absolute failures in managing the war against Saddam in Iraq."²⁹ He said Rumsfeld has too much baggage.³⁰ Swannack's decision to speak out was difficult; but he felt he had to unburden himself or it would have taken him down. In a recent interview, he said, "I wouldn't do it again."³¹

On April 13, 2006, Major General (Ret.) John M. Riggs also called for Secretary Rumsfeld to resign. He said he supported the war effort but not the way Rumsfeld had "mis/micromanaged" the effort.³² In January 2004, Riggs became the first senior officer to disagree publicly with Rumsfeld when he told *The Baltimore Sun* the Army was too small to meet its global commitment.³³ Riggs believed he had the "right to publicly question the President's policies and the performance of his lieutenants."³⁴

General Riggs understood the appropriateness of questioning the motives behind those officers who spoke out against Secretary Rumsfeld and suggested if there was a "single ounce of self-serving" interest, it was "probably inappropriate." He said the retired generals speaking out against Rumsfeld have everything to lose and "nothing to gain by publicly stating our concerns and misgivings."³⁵ General Riggs retired in 2005.³⁶

The retired generals gave various reasons why they believed it was necessary to break with tradition and go public with their criticisms of Secretary Rumsfeld and his handling of the war effort. One of the overriding concerns apparent in their arguments was a sense of obligation and patriotic duty to speak out. Loyalty to the Constitution

and to the servicemembers outweighed loyalty to an individual who they believed had little respect for their rank, military experience, and expert knowledge.

One should not discount lessons learned in Vietnam and the impact they had on these generals. General Colin Powell sums it up best, "When our turn came to call the shots, we would not quietly acquiesce in half-hearted warfare for half-baked reasons."³⁷ One also should not discount the impact *Dereliction of Duty: Johnson, McNamara, the Joint Chiefs of Staff, and the Lies that Led to Vietnam*, had on these officers.³⁸ H.R. McMaster, author of *Dereliction of Duty*, suggests the "principal lesson one might learn from the "five silent men" [on the Joint Chiefs of Staff] is not to compromise principle for expediency."³⁹

These generals broke their silence and publicly criticized civilian leadership of the military because they believed Secretary Rumsfeld and his civilian subordinates were mismanaging and micromanaging war efforts in Iraq and Afghanistan. They believed Rumsfeld surrounded himself with a small group of supporters who agreed totally with his agenda, while systematically removing anyone who did not agree. These officers thought Rumsfeld did not respect the knowledge and experience of senior military officers and failed to follow the fundamental principles of war fighting.

Even if all the faults mentioned above are accurate, it still does not relieve these officers of the ethical responsibilities associated with serving in the military. Many of the officers who participated in the revolt, did so, this author believes to relieve their conscience for not being more forceful with Secretary Rumsfeld when they had the opportunity. Participating in public dissent in the Spring of 2006 does not correct the problem, nor does it bring comfort to the families who lost servicemembers in Iraq.

Freedom of Speech Restrictions for Retired Officers

In *Parker v. Levy*, the United States Supreme Court protected the First Amendment rights of servicemembers, but not completely. Cathy Packer, author of *Freedom of Expression in the American Military*, notes the limits placed on these rights by the Court in order to maintain good order and discipline.⁴⁰ The Court said:

While members of the military are not excluded from the protection granted by the First Amendment . . . The fundamental necessity for obedience, and the consequent necessity for imposition of discipline, may render permissible within the military that which would be constitutionally impermissible outside it.⁴¹

Parker v. Levy clearly established significant restrictions on the First Amendment rights of servicemembers. Violations of these restrictions are punishable under the Uniform Code of Military Justice (UCMJ).

Writing for the *Military Law Review* in 2003, Lieutenant Colonel (Ret.) J. Mackey Ives and Lieutenant Colonel (Ret.) Michael J. Davidson, concluded retired officers remain members of the military, subject to the UCMJ "with few, if any, legal limitations, and only ambiguous and largely unenforceable policy limitations on the exercise of military jurisdiction over them."⁴²

Concerning the applicability of Article 88 (contempt towards officials) to retired officers, Ives and Davidson suggest the constitutional legality of this issue is still open. The law views someone on active duty as a soldier first and a citizen second; whereas, a retired officer is considered a citizen first and a soldier second. Ives and Davidson could find only two military cases charging a retired member of the military with violating Article 88 – one case resulted in an acquittal, the other dismissed.⁴³

Interestingly, Ives and Davidson discuss possible criminal misconduct under Article 88 if a military retiree makes "politically related or politically motivated remarks"

and these remarks go beyond a normal political discussion, are contemptuous, designed to prevent a military mission, or when the remarks endanger the "loyalty, discipline, mission or morale of the troops."⁴⁴

Ives and Davidson believe the military has too much jurisdiction over retired members; and, in most cases, this control is unnecessary. According to Ives and Davidson, the only time an Article 88 violation should occur is when the retiree speaks or writes in his military capacity or when he "engages in misconduct directly implicating his military status."⁴⁵

Writing for *The Army Lawyer* in 1999, Lieutenant Colonel Michael Davidson notes Army Regulation 27-10, paragraph 5-2b(3) (24 June 1996), which states charges are brought against retired officers only in the most "extraordinary circumstances." The regulation also states the referral of UCMJ charges requires approval from the Criminal Law Division of the Office of the Judge Advocate.⁴⁶

Dr. Martin Cook, Professor of Philosophy and Deputy Department Head at the U.S. Air Force Academy, stated, "There is no question whatsoever of the legal right de facto of such [retired] officers to say anything they wish."⁴⁷ He concluded that, although these retired officers are still part of the military, receiving retired pay, and potentially subject to UCMJ action, the legal community has had little interest in making this interpretation.⁴⁸

Those who participated in the Generals' Revolt saw no recalls to active duty for punishment under UCMJ, received no reprimands, and had no charges filed against them. Based on the information presented above, it would seem unlikely for the Office of the Judge Advocate to approve the referral of charges even if the Bush administration

thought these officers violated provisions of the UCMJ. It is also probable to suggest the administration thought the actions of these generals were illegal, but either did not have the political will to move against them or was not willing to invest the necessary political capital to achieve victory.

Dean Falvy, writing in May 2006 for the Legal News and Commentary website, *FindLaw.com*, suggests applying freedom of speech limits on active duty officers is far more necessary than applying the same rules to retired officers. Article 88 is necessary to ensure the military remains in check and subordinate to civil authorities to avoid "the menace of a coup d'état."⁴⁹ Retired officers do not present the same threat.

It may be necessary for retired officers to speak freely since they are the only ones in a position to verify or dispute civil authorities when they claim they are following military advice in the conduct of a war. Falvy contends "to amplify supportive views [as the Bush administration did with its "message force multipliers"], while gagging the dissenters, can only result in a misinformed or deceived public."⁵⁰

Falvy makes a good point and one which requires close consideration. However, this responsibility rests with military and civilian senior leaders and is not a responsibility of retired officers. Congress also has a responsibility to perform sufficient oversight to keep this from happening.

Many within the military community believe officers should never speak out unless they are willing to resign their commissions and forfeit their retirement benefits. For example, Rear Admiral (Ret.) George R. Worthington believes retired officers should remain silent so as not to "politicize" the military and would be better off writing a letter to the Secretary of Defense or to the President.⁵¹

Admiral Worthington suggested the military works by presenting three courses of action; and, after reaching a decision, one gives "a cheery Aye, Aye!" and executes the order. If an officer cannot execute the order, his only recourse is to resign. Doing anything less will undermine those charged with executing the mission; it will also affect good order and discipline and lower morale. Worthington does not impugn those who criticized Secretary Rumsfeld, but he does believe retired officers should keep their comments private and work behind the scenes if they want to influence policy and events.⁵² When Admiral Worthington retired in 1992, he was commander of Naval Special Warfare Command.

General (Ret.) John Keane, former Vice Chief of Staff of the United States Army, thought it was "inappropriate ... disturbing ... somewhat unprecedented . . . [and] wrong" for the retired generals to speak out.⁵³ He said the generals were using their influence and the esteem the public has for the military to speak out on policy disagreements while calling for the resignation of the Secretary of Defense. Keane said the generals should remain silent on policy matters; if the issue is so compelling they must speak out, they should resign their commission first.⁵⁴

There are hundreds of articles and blogs posted on conservative websites which generally agree retired generals should not publicly criticize policy, political leaders, or the decisions made by these leaders. For example, Jeb Babbin, former Deputy Undersecretary of Defense for President George H.W. Bush, writing for the conservative website *Real Clear Politics*, suggested the conscience of generals who revolted had succumbed to the flaws of politics – "ambition and the desire to take

revenge."⁵⁵ He questioned the credibility of these officers because they did not resign when faced with orders "that conflicted with their conscience."⁵⁶

Civil-Military Relations

President Bush wanted to create a "revolution in military affairs"; and Secretary Rumsfeld told him if he wanted to "change the building [the Pentagon], I'll change the building."⁵⁷ Rumsfeld told reporters, "The Constitution calls for civilian control of this department, and I'm a civilian."⁵⁸ Within hours of becoming the Secretary of Defense, he ordered the Joint Chiefs to stop their efforts to brief Congress on additional funding requests; and, within a few weeks, all senior officers had to inform the Secretary a week in advance of any meetings they were to have with members of Congress.

Rumsfeld interviewed everyone considered for promotion to Lieutenant General or General. He vetted all senior officers; and, according to Charles Stevenson, writing in *Warriors and Politicians*, Rumsfeld concluded a "silent purge" to eliminate those he thought were not qualified.⁵⁹

Rumsfeld's style was to humiliate anyone who presented a dissenting opinion. The virtual dismissal of Army Chief of Staff General Eric Shinseki in 2003 was the result of his testimony before Congress where he suggested the occupation of Iraq would take "several hundred thousand troops," which was significantly higher than Rumsfeld's estimate. Testifying before Congress a few days later, Paul Wolfowitz, Deputy Defense Secretary, said recent troop estimates were "wildly off the mark" and it was hard to understand how it could take more troops to occupy Iraq than it took to conquer them.⁶⁰

Thomas Ricks, author of *Fiasco: The American Military Adventure in Iraq*, pointed out the estrangement between the civilian leadership at the Pentagon and the Army's leadership.⁶¹ Ricks also pointed out that General Shinseki was not the first four-

star general to depart Rumsfeld's Department of Defense. The first to leave was Chairman of the Joint Chiefs of Staff General Hugh Shelton, who resigned two weeks after 9/11 because of Rumsfeld's "reckless disregard for sound military advice."⁶²

Rumsfeld's disregard for military advice created the same type of civil-military friction seen during the Vietnam War when Defense Secretary Robert S. McNamara and President Johnson micromanaged the war effort and disregarded the advice of the Joint Chiefs of Staff.⁶³ Colonel Robert Rice points out in his Strategic Research Project for the United States Army War College how both Secretaries created an "imbalance in civil-military relations" where senior "decision makers only heard recommendations that reinforced their already formulated concepts."⁶⁴

There was an interesting dichotomy taking place in Rumsfeld's Department of Defense. Much like General MacArthur, Rumsfeld expected extreme loyalty, would not tolerate dissent, was aggressive and often abrasive, and expected everyone to play by his rules. This created an extreme amount of personal conflict with the senior leadership of the military and helped create an environment devoid of open and frank discussion. General Eaton contends Rumsfeld created a "climate of groupthink" that resulted in the reluctance on the part of experienced military leaders and DOD civilians "to challenge the notions of the senior leadership."⁶⁵ On the other hand, Rumsfeld significantly increased the size of the military's budget, accelerated jointness, and moved the military toward a net-centric environment.⁶⁶

The Rumsfeld scenario is very similar to the events leading up to the Admirals' Revolt. Both Secretaries Rumsfeld and Johnson attempted to gain control of the Pentagon by limiting the ability of senior officers to express divergent opinions and

trying to control communication channels. Both made key decisions influencing the military with little or no input from those most affected.

In Johnson's case, he restored firm civilian control of the military, but may have not significantly improved civil-military relations. In Rumsfeld's case, he resigned on November 8, 2006, the day after the Democrats gained control of both the House and Senate. Many believe the Republicans would have lost fewer seats if the voters had known about Rumsfeld's resignation plans. In some sense, his resignation did not affect civilian control of the military as much as it helped improve civil-military relations.

For the past 60 years, Congress has continued to pass laws designed to improve regulatory control of the military, such as the National Security Act of 1947, the Defense Reorganization Act of 1947, and the Goldwater-Nichols Act of 1986. Being leery of a large standing Army and having a "watchful and jealous eye over it" is just as important to the American people today as it was when Samuel Adams uttered those words on December 12, 1768.⁶⁷

The election of President Obama will bring a new perspective to the Department of Defense. Most likely, conservatives will have fundamental issues with many of the President's policy initiatives. There are already signs pointing to a major uproar from retired officers if the President moves to overturn the military's "don't ask, don't tell" policy.⁶⁸ If this happens, it will be important for the military strategic leaders to ensure the public understands these retired officers are speaking as individual citizens and not as official spokespersons for the Department of Defense.

If retired generals decide to speak out against the policies of Obama, it will influence civil-military relations; but it is unlikely to cause a crisis in civil-military relations

or challenge civilian control of the military. A thorough analysis conducted by Charles Stevenson shows the existence of strife in civil-military relations throughout American history. Stevenson suggested there are "enduring and recurring patterns in U.S. civil-military relations, patterns of conflict and tensions for predictable reasons."⁶⁹

Stevenson sees the continued politicization of the military as the biggest threat to civil-military relations. It is a relatively recent phenomenon for officers to identify with a political party, for the military to emphasize and encourage voting, for retired officers to endorse candidates, and for presidential candidates to seek political support from servicemembers. Stevenson suggested this "trend toward overt partisan identification encourages politicians to treat the military as just another interest group."⁷⁰ He also believes civil-military relations will continue to fracture until the officer corps adopts and instills an ethic of nonpartisanship.

The Way Ahead

Although history demonstrates the resilience of the United States in dealing with events that have negatively influenced civil-military relations, it is time for major reform. The President and Congress must consider the reforms necessary to curtail the politicization of the military and ensure mechanisms are in place requiring civilian leaders to actively seek out and consider the council of senior military officers. At the same time, the military must re-examine its professional ethics. Once these reforms are in place, it should be possible to provide greater freedom of expression to both active and retired servicemembers.

Ending the Politicization of the Military

The American public continues to give the military the highest levels of public confidence; but this could change, and probably will, if the politicization of the military continues. In the most recent Gallup Poll (conducted June 9 - 12, 2008), 45 percent of those surveyed said they have "a great deal of confidence" in the military compared with only 13 percent for the Supreme Court, 13 percent for the Presidency, and 6 percent for Congress. The same poll conducted in June 2007 and June 2006 gave the military 39 percent and 41 percent, respectively; but the other institutions mentioned above remained relatively the same.⁷¹

Ending the politicization of the military will not be easy. It will require a change in the mind set of military and civilian leadership. Both will have to understand what is required to ensure the military remains a professional nonpartisan organization with only one mission: using the military instrument of national power "to deter war and protect the security of our country."⁷²

Political leaders must stop using our servicemembers as backdrops for political speeches; there is a subtle difference between speaking before troops and having the President or other political candidates surrounded by troops, especially during election season. The tendency to use retired officers to endorse political candidates, which began in earnest with Bill Clinton's presidential campaign in 1992 and continues today, should also stop. Stevenson noted the only way to stop this practice is for "senior officers to practice self-restraint."⁷³

Providing special access, private briefings, and tours of Iraq to selected retired generals in their roles as "military analysts" or "message force multipliers" for the major television networks, as occurred during the Bush administration, requires administrative

regulation and/or Congressional action to ensure this does not happen again. One cannot expect other retired generals to remain silent if the Pentagon, as it is alleged to have done, is training its own pool of propagandists to present the administration's "themes and messages" as if they were doing so in an objective manner.⁷⁴

The use of photos of specific military leaders in campaign advertising requires review. For example, the use of pictures of General David Petraeus (without his permission) in Senator John McCain's fundraising efforts was clearly inappropriate, as was the attack on Petraeus' character launched by Move On.org. Although one must be cautious not to trample on the First Amendment, in the absence of self-restraint by federal candidates and political parties, additional federal regulations are necessary.

To stop the politicization of the military will require increased self-restraint and adherence to Samuel Huntington's cardinal military virtues of "loyalty and obedience" by the officer corps to the Constitution and the American people.⁷⁵ It will require the military to continue to emphasize the subordinate role it plays in civil-military relations, to grow as a professional organization, and to ensure the organization enforces a core set of ethical beliefs to include discouraging public dissent. Finally, it will require civilian leadership to recognize the professional nature of the military and to treat it as such.

Ethical Considerations

Acts of public dissent by either active duty or retired officers should continue to be rare occurrences within the American experience. The best way to minimize the desire or need for public dissent is to ensure senior military and civilian leaders respect each other's opinions, experience, and knowledge. In the absence of such an understanding, the next best way to minimize public dissent is by emphasizing ethical decision-making and military professionalism.

Before turning to ethical decision-making, one should ponder the status of military professionalism. In 1999, Colonel (Ret.) Don Snider, Major John Nagl, and Major Tony Pfaff, while assigned to United States Military Academy, wrote an article about a perceived decline in military professionalism.⁷⁶ These authors suggested the decline in military professionalism was the result of "changes in the international system since the end of the Cold War, the new nature of conflict (which we will refer to simply as military operations other than war, MOOTW) and secular changes within American society,"⁷⁷ Ten years later, the perception of a decline in military professionalism is still present.

Snider and his colleagues provided a set of twelve principles (see endnote) by which officers "should draw their wisdom and their motivation."⁷⁸ These principles are timeless and if followed by all officers, active and retired, will increase professionalism within the military and reduce the potential for future general revolts. Strategic leaders should reinvigorate their emphasis on professional development by reiterating a principled approach to officership.⁷⁹

In a separate article, Don Snider developed a moral framework which he recommends using when contemplating breaking with military tradition and engaging in public dissent.⁸⁰ His framework identified three bilateral trust relationships that must exist among the military profession and the American people, civilian leaders, and junior military leaders.⁸¹ An officer considering public dissent should analyze the impact his decision will have on each trust relationship. Within his analysis he needs to consider two aspects of dissent (gravity of issue, relevance of officer's knowledge, and

experience to the issue) and three indicators of motive (personal sacrifice incurred by dissenting, timing of the dissent, and congruence of dissent with previous career).⁸²

By conducting an analysis the officer is considering the overall impact his decision to dissent will have on his profession as well as the American public. As Snider concludes in his article, "the decision to dissent can never be a purely personal matter."⁸³ Snider's moral framework model is a useful tool for ethical decision-making and should be widely disseminated within the officer corps.

Within Snider's moral framework model, he also provided a very good analysis of the principles behind the creation of the military profession. Snider suggests society organizes work around three ideal models, business, bureaucracy, or professional. Since the military embodies the "human expertise" to engage in combat, the professional model best represents it.⁸⁴

The underlying tenet of Snider's model is the production of "expert work" essential to the survival of the society. The professional relationship between soldier and citizen is one of selfless service. This selfless service creates "trust" between the military and the population, the building block for a professional ethos.⁸⁵ A better understanding of this model by the officer corps would improve military professionalism.

It is the duty of senior officers to ensure the production of sufficient knowledge and experts capable of meeting the nation's military needs. The ability of the military to serve effectively the American people when and where needed is "the most fundamental moral obligation of a profession." Snider suggests the previous and current strategic leaders, to include those generals who participated in the revolt, "failed

conspicuously in that deep moral obligation" both to the American people and to their subordinates.⁸⁶

Conclusion

With no malicious intent to do so, those who participated in the Generals' Revolt violated the tenets of their profession and the three key trust relationships essential to civilian control of the military. Many believe the actions of these officers warrant prosecution under the Uniform Code of Military Justice. Based on case law this is unlikely to occur.

Given the historical lack of prosecution of retired officers under UCMJ, one must assume they are free to say whatever they like and Americans are free to either listen to or ignore them. If retired officers choose to participate in public dissent they should only do so after careful consideration of the impact this decision will have on the critical trust relationships between the military and the American public.

The United States is a very strong nation and public displays of dissent by a few officers will not undermine our form of government. Polls taken after the Generals' Revolt do not indicate any long-term damage caused by the revolt. A major question requiring further research is what impact a major large-scale public dissent would have on civil-military relations.

Secretary Rumsfeld is not without complicity in this revolt. His provocative and abrasive style coupled with his alleged unwillingness to tolerate divergent opinions created an environment not conducive to positive civil-military relations. Regardless of Rumsfeld's style, strategic leaders still had the obligation to express their opinion and if they could not, maybe resignation was the only option left. Resigning at the appropriate time could have had a much greater impact on the public discussion

concerning the Iraq War and Rumsfeld when compared to publicly dissenting years after the fact. Resigning over a principle – receiving direction to go to war with fewer troops than needed – is part of the military ethos and one should continue to expect nothing less from the military strategic leadership.

Moving forward the strategic leadership, both military and civilian, must restore professionalism to civil-military relations while repairing any damages inflicted on the military profession by the Generals' Revolt. It is the responsibility of everyone to emphasize ethical decision-making and military professionalism; however, it is the responsibility of the military's senior strategic leaders, both active and retired, to set the example. Such action is necessary to protect the "trust" between the American people and its professional military organization.

Endnotes

¹ For a well balanced discussion of competing viewpoints concerning the Generals' Revolt, one may wish to view Jim Lehrer's interview between retired General John Keane, acting Army Chief of Staff (summer of 2003) and Vice Chief of Staff (1999 to 2003), and Lawrence Korb, former Assistant Secretary of Defense during President Reagan's Administration. General Keane views the revolt as wrong, inappropriate, and disturbing; while Mr. Korb believed the retired officers were obligated to speak out because they are now citizens with obligations to the country and not to one administration. For more information, see *A News Hour with Jim Lehrer* (Online Edition), PBS, April 18, 2006, http://www.pbs.org/newshour/bb/military/jan-june06/rumsfeld_4-18.html (accessed June 24, 2008).

² General George McClellan served as commander of the Army of the Potomac before he was relieved of command by Lincoln in 1862 see Mark Sauer, "Generals Opposing Iraqi War Break with Tradition," *Union-Tribune*, September 23, 2007, <http://www.signonsandiego.com/news/world/iraq/20070923-9999-1n23generals.html> (accessed March 14, 2009).

³ Butler describes how the military-industrial complex continues to reap huge profits from keeping the United States engaged in war around the world. Smedley contends war will continue until the people who sacrifice the most "make up their minds that those they elect to office shall do their bidding, and not that of the profiteers." See Chapter 4 of Major General Smedley Butler's book, *War is a Racket*. The first four chapters are online at <http://www.lexrex.com/enlightened/articles/warisaracket.htm> (accessed March 12, 2009).

⁴ Geoffrey C. Ward, "Ollie and Old Gimlet Eye," *American Heritage* 38, no. 7 (November 1987), http://www.americanheritage.com/articles/magazine/ah/1987/7/1987_7_14.shtml (accessed June 24, 2008).

⁵ "The Revolt of the Admirals, Naval Officer.com, <http://www.navalofficer.com.au/admirals.html> (accessed January 11, 2009).

⁶ Keith D. McFarland, "The 1949 Revolt of the Admirals." *Parameters* 11, no. 2 (June 1981): 56.

⁷ Lawrence J. Korb, "Not Quite a Revolt," Center for American Progress, http://www.americanprogress.org/issues/2006/04/b837359_1_1.html/print.html (accessed January 11, 2009).

⁸ General MacArthur had a habitual disregard for his superiors. He was a true American hero, enjoyed widespread public support, commanded and governed his own Army, and thought everyone had to play by his rules. He ignored most orders given him by his superiors as he thought he had no superiors and no one had the right to question him or give him orders. In his world, there was no room for dissent. See, David Halberstam, *The Coldest Winter: America and the Korean War*, (New York: Hyperion, 2007): 104.

⁹ For an excellent analysis of the complex relationship between Truman and MacArthur, their conflict over civil-military relations, and the conduct of foreign policy, see Michael D. Pearlman, *Truman and MacArthur: Policy, Politics, and the Hunger for Honor and Renown* (Bloomington: Indiana University Press, 2008).

¹⁰ Kenneth T. Walsh, "History's Verdict: Harry Truman wasn't Popular in Office, but He is Now – George Bush is Hoping for the Same Treatment," *U.S. News and World Report*, January 21, 2007, <http://www.usnews.com/usnews/news/articles/070121/29truman.htm> (accessed October 12, 2008).

¹¹ MacArthur, *American Experience*, PBS, <http://www.pbs.org/cgi-registry/poll/poll.pl> (accessed April 27, 2009).

¹² Ibid.

¹³ Sauer.

¹⁴ A biography of the military career of General Anthony C. Zinni is located on the *Marine Corps History Division* webpage located at http://www.tecom.usmc.mil/HD/Whos_Who/Zinni_AC.htm (accessed November 15, 2008).

¹⁵ Zinni served as the Commander of Central Command (CENTCOM) from August 1997 to September 2000, where he had operational control of combat troops in the Middle East. For a summary of the arguments made by General Zinni in October 2002 against President Bush's plan to invade Iraq, see http://www.historycommons.org/timeline.jsp?timeline=complete_timeline_of_the_2003_invasion_of_iraq&general_topic_areas=complete_timeline_of_the_2003_invasion_of_iraq_the_generals_revolt_#complete_timeline_of_the_2003_invasion_of_iraq_368 (accessed November 15, 2008).

¹⁶ Michael Janofsky, "More Calls for Rumsfeld to Leave," *New York Times*, April 3, 2006.

¹⁷ David S. Cloud and Eric Schmitt, with reporting contributions from Thom Shanker, "More Retired Generals Call for Rumsfeld's Resignation," *The New York Times*, April 14, 2006.

¹⁸ David Margolick, "The Night of the Generals." *Vanity Fair*, April 2007, <http://www.vanityfair.com/politics/features/2007/04/iraqgenerals200704> (accessed October 12, 2008).

¹⁹ Peter Baker and Josh White, "Bush Speaks Out for Rumsfeld, 'My Full Support' For Defense Chief," *The Washington Post*, April 15, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/04/14/AR2006041401649.html> (accessed February 11, 2009).

²⁰ Paul D. Eaton, "A Top-Down Review for the Pentagon," *New York Times*, March 19, 2006.

²¹ A biography of the military career of Lieutenant General Gregory S. Newbold is located at https://slsp.manpower.usmc.mil/GOSA/Biographies/rptBiography.asp?PERSON_ID=254&PERSON_TYPE=General (accessed November 15, 2008).

²² Gregory S. Newbold, "Why Iraq War was a Mistake," *Time Magazine Online*, April 6, 2006, <http://www.time.com/time/magazine/article/0,9171,1181629,00.html> (accessed June 28, 2008).

²³ Ibid.

²⁴ In fairness to Secretary Rice, she attempted to clarify her remarks in an interview with Wolfe Blitzer on April 30, 2006. She indicated "tactical doesn't necessarily mean military" and it is possible to make "tactical political mistakes" also. She said her reference to thousands of tactical mistakes was a figure of speech and not a true indication of the number of mistakes made. See, Condoleezza Rice, interviewed by Wolfe Blitzer, *CNN Late Edition with Wolfe Blitzer*, CNN, aired April 30, 2006, available from CNN Transcripts at <http://transcripts.cnn.com/TRANSCRIPTS/0604/30/le.01.html> (accessed February 12, 2009).

²⁵ Josh White, "Rumsfeld Challenges Rice on 'Tactical Errors' in Iraq," *Washington Post*, April 6, 2006.

²⁶ For example, on a visit to Tikrit, Rumsfeld asked Batiste if he had requested anything he had not received. Batiste knew the answer was an overwhelming 'yes' but also knew he could not answer truthfully in front of the press, which might have been why Rumsfeld asked. When asked why he did not request a private meeting, he said he had seen how the Secretary treated officers, discounted their advice, and "he wasn't going to listen anyway." See Margolick.

²⁷ *A News Hour with Jim Lehrer* (Online Edition), Generals Speak Out on Iraq, PBS, April 13, 2006, http://www.pbs.org/newshour/bb/military/jan-june06/iraq_4-13.html (accessed June 24, 2008).

²⁸ Ibid.

²⁹ David S. Cloud and Eric Schmitt

³⁰ Swannack said Rumsfeld "carries too much baggage with him;" and his inability to admit mistakes (e.g. insufficient forces to accomplish the mission and the Abu Ghraib prison scandal) "disallows him from moving our strategy forward. See Charles H. Swannack, Jr., interviewed by Barbara Starr, *CNNACCESS*, CNN, aired April 13, 2006, available at <http://www.cnn.com/2006/POLITICS/04/13/swannack/> .

³¹ Margolick.

³² John Riggs, interviewed by Michele Norris, *All Things Considered*, *NPR*, aired April 13, 2006, <http://www.npr.org/templates/story/story.php?storyId=5340711> (accessed March 15, 2009).

³³ General Riggs' demotion and retirement may play into why he called for Rumsfeld's resignation. An article posted on the PEN Center USA website by a group of writers "defending freedom of expression" provides a good summary, albeit unconfirmed, of why they believe Riggs' demotion resulted from his public contradiction of Secretary Rumsfeld. For more information, see "Washington, D.C.: Army General Demoted for Criticizing War in Iraq," June 1, 2005, <http://penusa.org/go/news/comments/washington-dc-army-general-demoted-for-criticizing-war-in-iraq> (accessed February 5, 2009).

³⁴ In John Riggs' article, he asked whether he had the right to question the President's policies and Lieutenants. His answer implies he did not have the right to speak out while he was on active duty because he swore an oath to defend the Constitution and to obey the orders of the President and those officers appointed over him. He understood he did not have the right to criticize policy publicly but did have the right and duty to provide expert military advice to his superiors and subordinates. Upon retirement, he no longer felt bound by the requirement to remain silent. Riggs believed he "not only had the right but an obligation" to break his silence when he thought members of the military were being placed in harm's way – and sacrificed – because "political agendas have overridden sound military advice."

General Riggs concluded his article by saying his decision to speak out was a moral obligation based on his first-hand knowledge of DOD civilian leadership, which he believed was "more interested in appearing to be right than actually being right." He believed he had the Constitutional right to speak out and it was appropriate to do so – doing anything less would be a violation of his "cultural ethos of duty first." Riggs said active duty general officers should refrain from making public comments about policy; but, when political appointees "delve too deeply into the execution of military matters, they also overstep their bounds," which leads to everything becoming "politicized." See John M. Riggs, "Crossing Swords: 'The Generals' Revolt: 'If is not Appropriate for Retired Flag Officers to Speak Out, then Who?'," *Single Articles* – the Ultimate Article Blog, <http://www.singlearticles.com/crossing-swords-the-generals-a3048.html> (accessed January 11, 2009).

³⁵ *Ibid.*

³⁶ General Riggs retired in 2005 after the Army reduced his rank from Lieutenant General because he supposedly allowed contractors to perform unauthorized work. Even General John Keane, who wrote Riggs' letter of reprimand, now says the incident was a "minor, minor" offense. See, Margolick.

³⁷ Colin L. Powell, *My American Journey* (New York: Ballantine Books, 1995), 149.

³⁸ H.R. McMaster, *Dereliction of Duty: Johnson, McNamara, the Joint Chiefs of Staff, and the Lies that Led to Vietnam* (New York: Harper Collins Publishers, 1998).

³⁹ Rick Young, "Lessons of Vietnam: A Conversation with Major H.R. McMaster" *PBS Frontline*, <http://www.pbs.org/wgbh/pages/frontline/shows/military/etc/lessons.html> (accessed March 12, 2009).

⁴⁰ Cathy Packer, *Freedom of Expression in the American Military: A Communication Modeling Analysis* (New York: Praeger, 1989), 1.

⁴¹ *Parker v. Levy*, 417 U.S. 733 (1974), quoted in Cathy Packer, *Freedom of Expression in the American Military: A Communication Modeling Analysis* (New York: Praeger, 1989), 1.

⁴² These authors also state members of the retired military have greater First Amendment freedoms, to include a relaxation on restrictions to express publicly their opinions on controversial topics. See, J. Mackey Ives and Michael J. Davidson, "Court-Martial Jurisdiction over Retirees under Articles 2(4) and 2(6): Time to Lighten Up and Tighten Up," *Military Law Review* 175 (March 2003): 2, http://www.loc.gov/rr/frd/Military_Law/Military_Law_Review/pdf-files/175-03-2003.pdf (accessed May 1, 2009).

⁴³ The first case resulted in an acquittal and involved a retired Army musician who allegedly in 1918 delivered a contemptuous speech against President Wilson where he reportedly said, "the government [was] subservient to capitalists and 'fools to think they can make a soldier out of a man in three months and an officer in six.'" The second case involved a retired Army Lieutenant Colonel who allegedly delivered a speech questioning the loyalty of President Franklin D. Roosevelt. The Army did not prosecute this case so as not to bring more publicity to the Lieutenant Colonel's speech. For more information, see Ives and Davidson, pages 25, and 63-64.

⁴⁴ *Ibid.*, 70-71.

⁴⁵ *Ibid.*, 83-84.

⁴⁶ Michael J. Davidson, "Contemptuous Speech Against the President," *The Army Lawyer* (July 1999): 4-5.

⁴⁷ Martin L. Cook, "Revolt of the Generals: A Case Study in Professional Ethics," *Parameters* 38, no. 1 (Spring 2008): 7.

⁴⁸ Cook believed these officers regain their First Amendment rights and are free to say whatever they like. He argued if one is going to allow retired officers to endorse candidates, allowing them to be critical of political leaders and policies related to their specific areas of expertise "should be orders of magnitude more appropriate." See Martin L. Cook, 7.

⁴⁹ David Falvy, "Rumsfeld's Revenge: How the Retired Generals who have Called for His Resignation could be Court-Martialed, and Why They Won't Be," *Legal News and Commentary Website*, http://writ.news.findlaw.com/commentary/20060503_falvy.html (accessed April 15, 2009).

⁵⁰ *Ibid.*

⁵¹ John M. Riggs and George R. Worthington, "Crossing Swords: The Generals' Revolt," *Proceedings* 132, no. 6 (June 2006): 14 in ProQuest (accessed June 24, 2008).

⁵² Ibid.

⁵³ *A News Hour with Jim Lehrer* (Online Edition), PBS, April 18, 2006,

⁵⁴ Ibid.

⁵⁵ Jeb Babbin, "Reviving the Generals' Revolt," *Real Clear Politics* http://www.realclearpolitcs.com/articles/2006/07/reving_the_generals_revolt.html (accessed February 21, 2009).

⁵⁶ Ibid.

⁵⁷ Charles A. Stevenson, *Warriors and Politicians: U.S. Civil-Military Relations under Stress* (New York: Routledge, 2006), 179.

⁵⁸ Rowan Scarborough, *Rumsfeld's War* (Washington, D.C.: Regnery, 2004), 136.

⁵⁹ Ibid, 180.

⁶⁰ James Fallows, "The Invasion of Iraq," Interview on *PBS Frontline*, January 28, 2004, <http://www.pbs.org/wgbh/pages/frontline/shows/invasion/interviews/fallows.html> (accessed March 12, 2009).

⁶¹ Thomas E. Ricks, *Fiasco: The American Military Adventure in Iraq* (New York: The Penguin Press, 2006), 156.

⁶² Ibid.

⁶³ Robert J. Rice, *McNamara and Rumsfeld: Control and Imbalance in Civil-Military Relations*, Strategic Research Project (Carlisle Barracks, PA, March 15, 2008), 18.

⁶⁴ Ibid., 20.

⁶⁵ Jim Lobe, "Retired Generals Declare War Against Rumsfeld," Global Information Network, April 13, 2006 in ProQuest (accessed June 24, 2008).

⁶⁶ Stevenson, 193.

⁶⁷ Harry Alonzo Cushing, ed., *The Writings of Samuel Adams*, vol. 1 (New York: G.P. Putnam's & Sons, 1904), 264; http://books.google.com/books?id=bahowLsuhuMC&pg=PA264&lpg=PA264&dq=samuel+adams+watchful+eye+over+military&source=bl&ots=Tds3rt8Cyc&sig=5ju8nN8yhEipt8KjbXBul-AZxzi&hl=en&ei=wu8FsonGOJuOMtvQ7d8E&sa=X&oi=book_result&ct=result&resnum=2&safe=active#PPR1,M1 (accessed March 12, 2009).

⁶⁸ In an article published in the Washington Post on April 15, 2009, General James L. Lindsay, who served as the first commander of U.S. Special Operations Command, said he had a petition signed by over 1,000 retired flag and general officers telling President Obama "repeal

of this law would prompt many dedicated people to leave the military. See, James J. Lindsay, et al., "Gays and the Military: A Bad Fit," *The Washington Post*, April 15, 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/04/14/AR2009041402704.html> (accessed May 5, 2009).

⁶⁹ Stevenson, 194.

⁷⁰ *Ibid.*, 213.

⁷¹ *PollingReport.Com*, <http://www.pollingreport.com/institut.htm> (accessed April 22, 2009).

⁷² Department of Defense, *DefenseLink*, <http://www.defenselink.mil/admin/about.html> (accessed April 22, 2009).

⁷³ Stevenson, 212.

⁷⁴ David Barstow, "Behind TV Analysts, Pentagon's Hidden Hand," *The New York Times*, April 20, 2008, <http://www.nytimes.com/2008/04/20/washington/20generals.html?pagewanted=print> (accessed January 11, 2009).

⁷⁵ Samuel P. Huntington, *The Soldier and the State* (Cambridge, MA.: The Belknap Press of Harvard University Press, 1957).

⁷⁶ Don Snider, John Nagl, and Tony Pfaff, *Army Professionalism, the Military Ethic, and Officership in the 21st Century* (Carlisle Barracks, PA.: Strategic Studies Institute, United States Army War College, 1999).

⁷⁷ *Ibid.*, 2.

⁷⁸ Snider, Nagal, and Pfaff provide 12 principles officers should use to draw vision and motivation. These principles include: (1) The officer's duty is to serve society; (2) Professional officers always do their duty, subordinating their personal interests; (3) Officers, based on their military expertise, determine the standards of the profession; (4) The officer's motivations are noble and intrinsic; (5) Officers are committed to a career of continuous study and learning; (6) The officer emphasizes the importance of the group over that of the individual; (7) Render candid and forthright professional judgments; (8) The officer's honor is of paramount importance, derived through history from demonstrated courage in combat; (9) The officer's loyalty is legally and professionally to an office and not an individual; (10) The officer's loyalty also extends downward to those soldiers entrusted to their command; (11) Officers are gentlemen and –women; and (12) Officers lead by example. See Snider, Nagal, Pfaff, 36-38.

⁷⁹ These concepts are the same as those developed by Snider, Nagal, and Pfaff.

⁸⁰ Don Snider, *Dissent and Strategic Leadership of the Military Professions* (Carlisle Barracks, PA.: Strategic Studies Institute United States Army War College, 2008) <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=849> (accessed April 22, 2009).

⁸¹ *Ibid.*, 16.

⁸² Ibid., 30.

⁸³ Ibid., 30.

⁸⁴ Ibid., 9-12.

⁸⁵ Ibid., 9-11.

⁸⁶ Ibid., 13.