In My View

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IN MY VIEW

IS THERE REALLY “EROSION OF CIVILIAN CONTROL”?  

Madame:

Richard H. Kohn’s article [“The Erosion of Civilian Control of the Military in the United States Today,” Summer 2002, pp. 9–59] is one of the most thought-provoking pieces I have read in the Review. I have now read it three times over several months and must comment.

Kohn acknowledges the oath of officers of the United States, “to support and defend the Constitution . . . against all enemies, foreign and domestic . . . and that I will well and faithfully discharge the duties of the office upon which I am about to enter.” However, I do not think he realizes that most military dissent is based firmly on that oath, rather than in contradiction to it. Unquestioning obedience and compliance with orders that are contrary to that oath are neither intended nor expected by the Constitution. The United States is governed by a system of separated powers, of course. In this, the military has two masters. Military officers are in the military chain of command that extends to the president as commander in chief. But this subordination is not complete. The oath of office does not specify “and obey the orders of the president and the officers appointed over me,” as does the noncommissioned oath. Enlisted personnel are required to obey strictly, but members of the officer corps retain moral, ethical, and legal responsibility for their actions. The professional military officer is responsible not only to his or her chain of command but to Congress, which represents the general public to at least the same degree as does the president. In its role, Congress expects and requires honesty and professional judgment from military witnesses, not simply a paraphrase of administration policy. Every congressman, and every military officer who testifies before Congress, understands this implicit ground rule. When one represents the administration or speaks from a role in the administration, one is obligated to present the administration’s case as best as one can, without personal or professional bias. But if officers are asked for
their professional opinions, they are equally obligated to be frank and forthright with the members of Congress.

I agree with Dr. Kohn that public statements by active-duty officers in opposition to administration policy are not appropriate; nor are leaks to “friendly” newsmen (or academics) designed to undermine an administration program or policy. But I would argue that Dan Ellsberg’s “leak” of the Pentagon Papers was a similar offense against the administration and should be viewed in that light. Ellsberg knew what he was doing but believed strongly enough in his position to run the risk of, perhaps even to expect, prosecution. Was he a traitor or a patriot? I suggest he was an organizational traitor but a fervent patriot and that he did not violate his oath of office. Rather he honored it, despite the personal cost.

It seems to me that Professor Kohn’s prescription for professional military officers is not far from that required by Hitler of the Wehrmacht’s officer corps. Unquestioning obedience and unconditional subordination of the military to presidential control is inappropriate in a democracy. Rather, our admittedly messy system, with its separation of powers and unclear demarcation of powers, demands of our military leaders a dual organizational loyalty to support and assist both the executive branch and the Congress, approval of which is required by the Constitution on questions of defense, on peace and war. The ultimate referent for all the players in this continuing drama is the Constitution itself.

Honest men and women will disagree on serious issues. These require serious consideration of alternative viewpoints. To this end, the Congress will not and should not accept the muzzling of military dissent in their hearing rooms, when those witnesses are asked for their personal or professional perspectives. Congress has no difficulty sifting through controversial subjects. That is its primary task, and although the sifting too is a messy process, it usually produces a solution better than the strictly bureaucratic one.

Military officers have a deep and abiding commitment to the oath of office, a commitment that can transcend organizational loyalty and strict subordination to the executive branch. This is emphatically not a denial of civilian control but recognition that Congress is also a player in the game and that military officers owe them loyalty and professional advice, too—always, when they are asked for it, sometimes privately even when not asked. When officers retire, in my view, they regain all their civil rights of dissent—just as former presidents do. We may often deplore the result in both cases, but we should not try to muzzle either category of former officials.

In 1948 the Marshall Plan was finally approved by the first Republican Congress in twenty years, largely on the basis of a perceived East-West crisis, precipitated largely by the coup d’état in Czechoslovakia. The mood was also used by Secretary of Defense James Forrestal and the Joint Chiefs of Staff to gain
approval for the Harry S. Truman administration’s modest increases in military spending. In closed-door testimony, when asked for their personal opinions on how much was needed, the chiefs gave figures well beyond those requested by the administration, which was deeply concerned with possible deficits and inflation. Congress subsequently approved more than the administration wanted. Truman allowed the services to use most of this windfall but sequestered the funds for a seventy-group Air Force and returned them to the treasury at year’s end. Were those chiefs disloyal to Forrestal and Truman? Neither man apparently thought so. But the chiefs did not speak in advocacy outside the closed hearings. They did their duty and allowed the separation-of-powers mechanism to sort out the policy. Many of those officers in 1948 were Republicans confronting a Democratic administration—Dwight D. Eisenhower, Lucius D. Clay, Curtis LeMay, and most of the Navy hierarchy come to mind. No doubt many of them had strong reservations about Truman personally. But they remained loyal to the office of the president, as did Truman himself. Truman honored his military subordinates publicly and privately, and he never expressed contempt for them, as did William Clinton and some of his associates. One of the basic lessons for young officers is this: Loyalty from your troops has to be required, but you must earn their respect. Many of us (I am a retired officer) feel that Clinton never earned our respect, then or now, but we readily transferred our institutional loyalty for the president to George W. Bush, with a sigh of relief in many cases.

Truman subsequently fired General Douglas MacArthur for insubordination, on the strong and unanimous advice of the Joint Chiefs of Staff and General George C. Marshall, then secretary of defense. Truman could accept MacArthur’s contempt for Harry Truman, but he could not and would not tolerate his insubordination to the commander in chief. Was MacArthur acting outside his oath of office? He clearly disagreed with national policy and sought to change it via public pronouncements and private communications to members of Congress. Was he a traitor to that oath and to the Constitution? I do not think so. He was insubordinate and so had to be removed from his office, which was the appropriate penalty. Significantly, there was never a thought of prosecuting him for violation of his oath of office. I expect that MacArthur acted throughout in the belief that he was in compliance with that oath.

Civil-military relations are a good deal more complex in our system than in the Prussia of the eighteenth and nineteenth centuries or Germany in the early twentieth century—thank goodness! Had we lived to Kohn’s prescriptions, Alfred Thayer Mahan’s concepts of seapower and Hyman Rickover’s marvelous triumph of technology would have been stillborn in the Navy Department and within the administrations of their day. We might still be fighting in Vietnam, and in the Balkans. The Marine Corps might have been abolished. There are...
dozens of outcomes that have been affected by thoughtful dissent by professional military officers, who carry an inherent responsibility to the president, the Congress, and the Constitution beyond.

The whole concept of a Praetorian coup d'état is so far-fetched that even a good novel like Fletcher Knebel and Charles W. Bailey’s *Seven Days in May* (1962) just did not ring true to anyone in the military. It seems to me that in the current scheme the professional military is much more likely to be a hedge against an attempted executive-branch coup.

At the end of this note, I’m reminded of the familiar bumper sticker: *Question authority.* It is good advice, even for the professional military person. It is the standard required by the Constitution, morality, and the Nuremberg trials, after all.

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**THE ITALIAN WAR EFFORT**

Madame:

I noted in General Douglas Kinnard’s otherwise fine review essay on *Eisenhower: From Abilene to the Elbe* in the Winter 2003 *Naval War College Review* [pp. 163–68] that yet once again the Italian war effort is slighted.

On page 166 it is noted that the end of fighting in North Africa in May 1943 “[resulted] in the surrender of over a quarter of a million German troops.” No, it was the surrender of 250,000 Axis troops, of whom over half were Italian. The last general to surrender in North Africa, commanding the Afrika Korps and other units, was Marshal Giovanni Messe (who was well thought of by the Germans). It sprang to my attention because one recent English-language book on the fighting in North Africa after Operation TORCH barely mentions Messe, beyond a footnote.

On these lines, in the same issue is a review essay on Thomas G. Mahnken’s *Uncovering Ways of War: U.S. Intelligence and Foreign Military Innovation, 1918–1941* [by Francis G. Hoffman, pp. 155–58]. While reading that excellent book I
noted no mention of the Italian development before World War II of what we now would call SEAL operations. The operations of the Italian 10th MAS would result in several sinkings in Algerian harbors during TORCH. Prewar Allied intelligence completely missed this innovation.

The Italian war effort has often been denigrated, but an interesting theory is being currently advanced in Italian and German historical circles. What would have resulted had the Italian effort, as a decisive weight, been applied more to the Eastern Front instead of North Africa? The Italian economy produced 33,500 trucks, 92,664 automobiles, and 12,800 airplanes in the 1939–44 period; had most of it been sent east, could more Axis units have been motorized and more easily supplied? Had the Axis effort to supply Rommel’s forces, along with fuel to transport those supplies, been utilized in the East, could a different result have been obtained?

Only a small handful of British and American historians are working in Italian military history. Until this interest is expanded and broadened, and until the largely excellent Italian military historical resources are more fully exploited, such errors and omissions will continue to plague the historical understanding of the Second World War.

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