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The Oath of Office

A Historical Guide to Moral Leadership

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Editorial Abstract: The oath of office as we know it has withstood the test of time. Although its words have gone through many transformations, the significance placed upon it by the founding fathers has remained the same. Lieutenant Colonel Keskel provides a brief historical background for the oath, followed by an examination of its specific wording and the ways it has changed over time. His insightful analysis will help military officers fully understand the moral implications of their actions.

I swear by Apollo the physician, and Aesculapius, and Health, and All-heal, and all the gods and goddesses, that, according to my ability and judgment, I will keep this Oath.

- Hippocrates, 400 b.c.

The first law of the United States of America, enacted in the first session of the first Congress on 1 June 1789, was *statute 1, chapter 1: an act to regulate the time and manner of administering certain oaths*, which established the oath required by civil and military officials to support the Constitution.¹ The founding fathers agreed upon the importance of ensuring that officials promised their allegiance; indeed, very little debate occurred before the first Congress passed this statute.² Although the wording of the military officer's oath has changed several times in the past two centuries, the basic foundation has withstood the test of time. The current oath is more than a mere formality that adds to the pageantry of a commissioning or promotion ceremony- it provides a foundation for leadership decisions.³

One finds numerous oaths in our nation. Just before commissioning or enlisting, every officer candidate and enlistee recites an oath. The president of the United States takes an oath before assuming duties. Senators, congressmen, judges, and other government officials take oaths of office. New citizens of the United States take a naturalization oath. Many schoolchildren take an oath or pledge allegiance to the flag. Although its members are not required to swear or affirm before going into combat, the US military developed a code of conduct to guide servicemen.

When an officer is promoted, the promotion ceremony often includes a restatement of the officer's oath.

The military officer's oath is a combination of constitutional requirement, historical influence, and centuries-old custom. To better appreciate the oath, one must understand its history. Toward that end, this article first provides a brief, historical background on the oath of office and then examines its specific wording as well as the ways in which it provides guidance, including moral direction, to military officers.⁴

A Brief History of the Oath

According to one reference work, an oath is “a solemn appeal to God to witness the truth of a statement or the sincerity of a promise, coupled with an imprecation of divine judgement in the event of falsehood or breach of obligation.”⁵ This definition is captured in the Hippocratic oath, one of the world's oldest and most famous: “I swear . . . according to my ability and judgment, I will keep this Oath. . . . With purity and with holiness I will pass my life and practice my Art. . . . While I continue to keep this Oath unviolated, may it be granted to me to enjoy life and the practice of the art, respected by all men, in all times! But should I trespass and violate this Oath, may the reverse be my lot!”⁶ Several concepts in this oath still resonate in the one taken by today's military officer- a call to a higher power, a statement to perform to the best of one's ability, a sense of honor, and an acknowledgement of the consequences of failing to live up to one's word.

Military oaths date back to ancient Rome, where soldiers pledged loyalty to a specific general for a specific campaign. After the campaign ended, the oath no longer applied. By 100 b.c., Rome had established a professional military, and the oath became effective for the soldier's full 20-year service.⁷ Since then, this custom has continued and expanded. For example, the kings of England in the 1500s (Henry VIII), 1600s (James I), and 1700s (George III) established oaths requiring subjects to swear loyalty to their specific king.

In the United States, oaths were a part of life from the early colonial days. In 1620, when the *Mayflower* landed, the Pilgrims established the Mayflower Compact- which served as an oath, a covenant, and a constitution- and then pledged allegiance to King James, agreeing to work together as a “civil body politic” for their betterment and preservation.⁸ As settlers established colonies, they developed their own version of an oath of allegiance to English royalty.

While developing the oath of office for US officers, the founding fathers had serious concerns about pledging allegiance to any specific person. For example, during the Revolutionary War, Gen George Washington issued a general order on 7 May 1778 that required all officers to take and subscribe to an oath renouncing King George III and supporting the United States.⁹ Even prior to the 1789 constitutional requirement to take an oath, this general order had significant weight. On 1 October 1779, Washington court-martialed Benjamin Ballard for “selling rum, flour, pork, hides, tallow and other stores the property of the public without any orders or authority for doing so and *contrary to the tenor of his bond and oath of office*” (emphasis added).¹⁰ This example shows that the oath represented more than a simple, ceremonial

formality; rather, it provided overarching guidance and a standard of moral conduct, as opposed to dictating specific, limited criteria.

The first official oath of office for US military officers under the Constitution was established on 1 June 1789. The law implemented the requirement in Article 6 of the Constitution that “Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution.”¹¹ This first oath was short and to the point: “I, A.B., do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States.”¹²

During a 60-year period in our history, both officers and enlisted personnel took the same oath, as required by Congress in April 1790. The oath used the wording “to bear true faith and allegiance to the United States of America” rather than “to support the Constitution,” but it retained the concept of allegiance to the nation as a whole. It constituted one of 16 sections in an act that regulated the military establishment- the forerunner of to-day’s “authorization” acts.¹³ Congress periodically updated these authorization acts although the oath remained constant (with one minor addition in 1795).

The officer oath became separate from the enlisted oath again in 1862, when the 37th Congress passed an all-encompassing 176-word oath for all government officials (including military officers) to verify their loyalty during the Civil War. This “Ironclad Test Oath” included (1) a “background check” to ensure that government officials were not supporting, or had not supported, the Confederacy and (2) a part that addressed future performance, much of whose wording remains in today’s oath.¹⁴ In addition, this legislation specified that failure to comply with the oath constituted perjury and that violators would incur the associated penalties, thus formalizing the implied concept that officers are accountable for failing to live up to their oath. In 1884, after several years of multiple oaths that applied to different subsets of people (depending upon which side they fought on during the “late rebellion”), the 48th Congress amended a revised statute of 1873 that eliminated the first half of the Ironclad Test Oath and established the wording that has carried over into modern times.

At least 19 pieces of legislation address the oath- 11 affect the officer oath, three address the enlisted oath, and five address both. One notes four key variations in the wording of the officer and enlisted oaths over time (table 1).¹⁵ The other changes are either administrative or concern the application of the oath.

Table 1
Key Variations of US Military Oaths

Date/Statute	Oath	Comments
1 June 1789 1st Cong., 1st sess., statute 1, chap. 1	Officer Oath: I, A.B., do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States.	The very first law of the United States identified the requirement for government officials to take an oath or affirmation

		according to Article 6 of the Constitution.
29 September 1789 1st Cong., 1st sess., statute 1, chap. 25	Enlisted Oath: I, A.B., do solemnly swear or affirm (as the case may be) to bear true faith and allegiance to the United States of America, and to serve them honestly and faithfully against all their enemies or opposers whatsoever, and to observe and obey the orders of the president of the United States of America, and the orders of officers appointed over me.	This statute separated the military oath from the oath for other public officials. It also created an oath for enlisted personnel distinct from the officer's oath, with an allegiance to the United States rather than the Constitution and a requirement to obey the orders of their chain of command. The officer's oath mirrored the oath specified in statute 1, sec. 1 for members of Congress.
30 April 1790 1st Cong., 2d sess., statute 2, chap. 10	Officer and Enlisted Oath: I, A.B., do solemnly swear or affirm (as the case may be) to bear true faith and allegiance to the United States of America, and to serve them honestly and faithfully against all their enemies or opposers whomsoever, and to observe and obey the orders of the president of the United States of America, and the orders of the officers appointed over me, according to the articles of war.	This statute, passed as the means to continue the military establishment, required both officers and enlisted personnel to take the same oath. On 3 March 1795, the last phrase changed to "according to the rules and articles of war." Each new Congress would repeal the previous Congress's act and pass a new statute creating the military establishment, including a section on the oath. In 1815 (13th Cong., 3d sess.), Congress no longer duplicated the previous military- establishment act and identified changes only to previous law establishing the military.
2 July 1862 37th Cong., 2d sess., chap. 128	Officer Oath: I, A.B., do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the functions of any officers whatever, under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States, against all enemies,	The intent of this Civil War statute was to ensure that government officials were not supporting, or had not supported, the Confederacy. This "Ironclad Test Oath" greatly expanded and contained more detail than previous oaths. The statute also separated the officer oath from the enlisted oath, once again making the officer oath consistent with the oath of public officials.

	foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.	
11 July 1868 40th Cong., 2d sess., chap. 139	Officer Oath: I, A.B., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.	This statute was the first post–Civil War change to the oath. The new oath deleted the “background check” of the 1862 version and established the exact wording of the current officer’s oath. Future legislative changes addressed the application of the oath but not the wording.
5 May 1950 81st Cong., 2d sess., chap. 169 (Public Law 506)	Enlisted Oath: I, ____, do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the president of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice.	This statute was the first post–World War II legislation on the oath, establishing the Uniform Code of Military Justice to unify, consolidate, revise, and codify the Articles of War, the Articles of Government of the Navy, and the Disciplinary Laws of the Coast Guard. Section 8 identified a standard oath for all enlisted personnel.
5 October 1962 87th Cong., 2d sess. (Public Law 87-751)	Enlisted Oath: I, ____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the president of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God.	This legislation was enacted to make the enlisted oath more consistent with the officer oath, using the phrase “support and defend the Constitution” and adding “So help me God” at the end. This was the last legislative change to the wording of either oath. Subsequent legislation on the oath addressed administrative issues.

The Oath's Message

Some people may think that the focus on the oath and our founding fathers is merely patriotic, feel-good rhetoric and may question the significance of the oath in today's environment.¹⁶ However, during Operation Allied Force, Gen Wesley Clark encountered a dilemma that very much involved the oath. As combatant commander of US European Command, he had allegiance to the United States. But he also served as supreme allied commander, Europe, with responsibility to the countries of the North Atlantic Treaty Organization (NATO). In his book *Waging Modern War*, General Clark alludes to his dilemma. Who should have priority- the United States or NATO? Upon initiating the air campaign, Clark first called Javier Solano, NATO's secretary-general, before he called Gen Hugh Shelton, chairman of the Joint Chiefs of Staff. Explaining his predicament, he notes, "I was the overall commander, but represented a nation that didn't want to participate."¹⁷ Interestingly, rather than choosing a term such as *worked for* or *served*, he uses *represented*, which connotes a lesser degree of responsibility and a passive relationship instead of an active allegiance. Indeed, Clark dedicated his book to Solano and NATO's leaders and armed forces- not to the United States and its military.¹⁸

Although General Clark did not renounce his allegiance to the US Constitution in favor of the NATO alliance, he struggled with the question of where his responsibilities and priorities lay. Despite the differences of opinion between the United States and NATO regarding interests, goals, and methods, both parties had the same overarching objective- stopping the ethnic cleansing in Kosovo. Consequently, Clark did not have to make an either-or choice.¹⁹ However, this example shows how the complexity of modern war and the problems generated by working with alliances can cause even a great American like General Clark to struggle. The act of reaffirming the oath of office should serve to guide all officers when they find themselves in difficult situations.

This brief history of the oath makes the significance of its wording more apparent. The oath provides enduring guidance for military officers. Each part carries its own history and message:

I, A.B., Do Solemnly Swear (or Affirm)

The oath begins with an option to *swear* or *affirm*. Although current common law places less religious connotation on the word *swear*, the term *oath* clearly had such a connotation in the late 1700s. In fact, the original legislation referred to an "oath or affirmation." Recognizing that some religious groups, such as the Quakers, might object to "swearing" to a Supreme Being or that someone might not believe in a Supreme Being, Congress provided the option to *affirm*. This wording is also consistent with the option for the president to swear or affirm, as prescribed in Article 2 of the Constitution. Either way, the oath signifies a public statement of personal commitment. Officers must take personal responsibility for their actions.

That I Will Support and Defend the Constitution of the United States

To understand the opening pledge, one should know and understand the Constitution. Prior to taking their oath upon commission or reaffirming it upon promotion, too few officers take the

time to read and study the document they swear to support and defend. The oath requires officers to support and defend the Constitution- not the president, not the country, not the flag, and not a particular military service. Yet, at the same time, the Constitution symbolizes the president, the country, the flag, the military, and much more. The preamble to the Constitution succinctly highlights the ideals represented by that document.²⁰ Because the Constitution was built on a series of checks and balances that distribute power across the executive, legislative, and judicial branches, officers must give their allegiance to all three entities- despite the fact that the chain of command leads to the president. These checks and balances create an inefficiency inherent in America's democratic system that often proves frustrating for military officers, whose environment tries to provide the most efficient and effective fighting force available.²¹

The original oath of 1789 mentioned only that one must *support* the Constitution. Although many people may at first consider the phrase *support* and *defend* as a single thought, each word carries a slightly different connotation. George Washington conveys the notion of *support* in his farewell address: "The basis of our political systems is the right of the people to make and to alter their Constitutions of Government. But the Constitution, which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish Government presupposes the duty of every individual to obey the established Government."²²

The words *and defend* were added in 1862, during the Civil War, when defense and preservation of the nation became paramount.²³ The passive pledge to support was expanded to include an active requirement to defend. The phrase *support and defend the Constitution* is purposely vague, allowing better minds to interpret and improve, within certain guidelines.²⁴ To understand the significance of the wording, one should compare the US oath to the Soviet version, the latter requiring officers "unquestioningly to carry out the requirements of all military regulations and orders of commanders and superiors."²⁵ It is a true blessing that America does not require its officers to obey "unquestioningly" but gives them the opportunity and flexibility for innovation. But with that flexibility come both responsibility and accountability for one's actions.

Against All Enemies, Foreign and Domestic

This phrase was added in 1862 as a direct result of the Civil War- specifically, to address the possibility of Union soldiers joining the Confederacy (most notably the forces commanded by Gen Robert E. Lee). That is, people who had previously sworn allegiance to the United States were now fighting against it.

Although people now have little concern about another civil war, our military must still prepare for all enemies and contingencies. The terrorist attack of 11 September 2001 caught many Americans off guard. The response to the launching of fighter escorts shows how the nation's leadership faced the dilemma of flying combat air patrols over the United States (defending the Constitution) while trying to comply with current laws on posse comitatus (supporting the Constitution).²⁶ Military officers cannot simply maintain the status quo- they must look toward the future, identify emerging trends, and develop capabilities to counter the entire range of threats. Apparently, our current capability to respond to and, more importantly, prevent a future asymmetric attack is inadequate. Officers must ensure that they address *all enemies* and not

merely advocate servicecentric needs at the expense of national requirements. For example, we have long known about the shortage of intelligence from human sources that we need if we are to analyze the capability and intent of emerging nonstate actors; yet, the Air Force intends to purchase over 300 F-22 aircraft at a cost of \$63 billion to replace existing fighters that can already counter the air forces of any major state actor for the foreseeable future.²⁷ We must think hard about making improvements to an existing service strength instead of funding a known national shortfall.²⁸ Our oath demands that we support and defend against all enemies- not just high-profile or high-profit threats.

That I Will Bear True Faith and Allegiance to the Same

The phrase *faith and allegiance* dates back at least to 1606, when King James required an oath of “uttermost faith and allegiance to the King’s majesty” from everyone leaving for America to work in the Virginia Company.²⁹ However, the officer’s oath ensures allegiance to the Constitution as a whole, not just the president. Officers should pledge allegiance to the nation as a whole rather than their military service or organization, an idea reminiscent of the Air Force core value of “service before self.” However, officers must not construe *service* as *US Air Force*. The Army’s core value of “selfless service” provides a clearer connotation of the notion of serving others.³⁰ Furthermore, the Air Force’s guide on core values discusses maintaining “faith in the system,” which includes not just the military system but the system of democratic government embodied in the Constitution.³¹

Even though the Constitution built a system of checks and balances to embrace multiple branches of government, the founding fathers cautioned against counterproductive parochialism. In his inaugural address, Washington warned, “I behold the surest pledges, that as on one side, no local prejudices, or attachments; no separate views, nor party animosities, will misdirect the comprehensive and equal eye which ought to watch over this great assemblage.”³² Officers’ allegiance compels them to work together to develop the best solutions for the nation, rather than engage in interservice competition to obtain the biggest piece of the defense budget.

That I Take This Obligation Freely, without Any Mental Reservation or Purpose of Evasion

This passage also originated during the Civil War. Congress and President Abraham Lincoln, wanting to ensure that soldiers not defect, expanded the oath in an attempt to guarantee loyalty.³³ In the final analysis, however, loyalty depends upon the integrity of the individual.

This notion corresponds to the Air Force’s core value of “integrity first,” the Marine Corps and Navy’s core value of “honor,” and the Army’s core values of “integrity” and “honor.”³⁴ Integrity is a learned trait. Whether that learning is based upon a religious upbringing or an embracing of acceptable norms of society, honor and integrity are part of the core of all military services. Maintaining integrity is implicit in the oath and must guide officers when they face conflicts of interest and hard choices.³⁵

And That I Will Well and Faithfully Discharge the Duties of the Office on Which I Am about to Enter

This wording has its genesis in the first statute of 1789. In addition to the standard oath, the secretary of the Senate and the clerk of the House of Representatives had to take an additional oath to “solemnly swear or affirm, that I will truly and faithfully discharge the duties of my said office, to the best of my knowledge and abilities.”³⁶

This clause epitomizes the Air Force core value of “excellence in all we do,” the Marine Corps and Navy’s value of “commitment,” and the Army’s core value of “duty.” We must be proactive and perform our duties to the best of our abilities, mastering our specialties while we are junior officers and then gaining breadth as we advance in rank. The progress of the nation depends upon our doing so.

So Help Me God

Controversy over the separation of church and state sometimes clouds this final phrase; nevertheless, it is the most important one in the oath. Our actions have moral and, for those who believe in a Supreme Being, even religious implications. Sometimes military officers seem hesitant to embrace their religion publicly or acknowledge the significance of divine guidance.³⁷ However, American history is replete with examples of public appeals to a higher being for guidance and protection. The Declaration of Independence includes an appeal “to the Supreme Judge of the world,” and, although the Constitution does not include the phrase *so help me God* in the president’s oath, Washington added those words when he took the first oath.³⁸ President Lincoln openly addressed the concept of divine guidance in the Gettysburg address: “This nation, under God, shall have a new birth of freedom.” When the pledge of allegiance added the phrase “under God” in 1953, President Dwight Eisenhower commented, “In this way we are reaffirming the transcendence of religious faith in America’s heritage and future; in this way we shall constantly strengthen those spiritual weapons which forever will be our country’s most powerful resource in peace and war.”³⁹

So help me God became part of the officer oath in 1862, but the enlisted oath did not add these words until 1962. The *Congressional Record* provides superb insight into their meaning:

The words, “So help me God,” are not a part of the obligation assumed upon taking the oath. They constitute rather an assertion of sincerity to undertake the duties of military service in good faith and with the aid of the highest power recognized by the enlistee. It is directed solely to his or her personal conception of the almighty, whatever that may be or whatever it may not be. There is no effort to impose on the enlistee any established religious conception, or even to require his acknowledgement of any religious conception. . . . For the vast majority of the persons taking the oath, however, this addition will assure a unique degree of personal conviction not otherwise attainable, and will thus prove a welcome source of both personal and national strength.⁴⁰

Even atheists have a moral obligation from a societal perspective. One finds this concept as far back as 400 b.c., when Sun Tzu, in *The Art of War*, starts his first chapter with the statement “War is a matter of vital importance to the State. . . . Therefore appraise it in terms of five fundamental factors. . . . The first of these factors is moral influence.”⁴¹ Clearly, one of the

greatest military minds of all time understood the moral implications of our actions and their importance for success.

So help me God also implies retribution if officers do not keep their word. Compare the part of the Soviet oath that ends with “If I break this solemn vow, may I be severely punished by the Soviet people, universally hated, and despised by the working people.”⁴² Although that is quite a condemnation, in actuality it is less severe than the potential consequences for someone who has a strong moral or religious foundation. *So help me God* acknowledges that no stronger commitment exists.⁴³

Conclusion

By studying the key documents and events in America’s history, military officers can gain better insight into their oath of office and the moral implications of their actions. Junior officers should focus on how to well and faithfully discharge the duties of their office. For senior officers, the oath should carry even greater significance as they use a more indirect style of leadership to instill in their followers the service’s core values (table 2).

Table 2

Comparison of the Oath of Office to Core Values

Oath of Office	Core Values		
	<i>Air Force</i>	<i>Navy/ Marine Corps</i>	<i>Army</i>
I will support and defend the Constitution of the United States against all enemies, foreign and domestic.	Service before Self	Courage	Selfless Service Personal Courage Loyalty
I take this obligation freely, without any mental reservation or purpose of evasion.	Integrity First	Honor	Integrity
I will well and faithfully discharge the duties of the office upon which I am about to enter.	Excellence in All We Do	Commitment	Duty Respect

Officers must develop the skills to make the appropriate leadership decisions when guidance may be vague on how best to support and defend the Constitution. They must take the time to identify capabilities for addressing the entire spectrum of conflict and wrestle with ways of resolving conflicting priorities in coalition warfare. Individuals at all levels must focus on the needs of the nation rather than on the desires of their services. Finally, officers must embrace the moral foundation symbolized in the phrase *so help me God* since it is the heart and soul of the success of future generations of soldiers, sailors, airmen, and marines.

Notes

1. Richard Peters, ed., *The Public Statutes at Large of the United States of America*, vol. 1 (Boston: Charles C. Little and James Brown, 1845), 23.
2. See Joseph Gales Sr., ed., *Annals of Congress: The Debates and Proceedings in the Congress of the United States*, vol. 1, *March 3, 1789 to March 3, 1791* (Washington, D.C.: Gales and Seaton, 1834). Although the *Congressional Record* contains hundreds of pages on topics such as public credit, public debt, and duties on tonnage, one finds only three pages on the oath that are worthy of discussion.
3. The Air Force's Air War College includes the officer and enlisted oath on the inside back cover of its textbook on leadership and ethics. The code of conduct is on the inside front cover. In his book *True Faith and Allegiance: The Burden of Military Ethics* (Lexington: University Press of Kentucky, 1995), James H. Toner includes the officer and enlisted oaths on the page that precedes the table of contents.
4. Due to limitations of space, this article focuses on the officer's oath. Many of the same themes and ideas apply to the dedicated professionals in our enlisted force.
5. *American Peoples Encyclopedia*, 1956 ed., s.v. "oath." According to *Merriam-Webster's Collegiate Dictionary*, 10th ed., an oath is "a solemn [usually] formal calling upon God or a god to witness to the truth of what one says or to witness that one sincerely intends to do what one says (2): a solemn attestation of the truth or inviolability of one's words."
6. *American Peoples Encyclopedia*, 1956 ed., s.v. "Hippocrates."
7. Lt Col Thomas H. Reese, "An Officer's Oath," *Military Review*, January 1964, 25.
8. Harold Melvin Hyman, *To Try Men's Souls: Loyalty Tests in American History* (Berkeley: University of California Press, 1959), 12–13.
9. John C. Fitzpatrick, ed., *The Writings of George Washington from the Original Manuscript Sources, 1745–1799*, vol. 11 (Washington, D.C.: Government Printing Office, 1931–1944), online, Internet, 13 January 2002, available from <http://www.memory.loc.gov>. (Click on "search"; search on "George Washington, May 7, 1778, General Orders.") Washington's oath for commissioned officers is as follows:

I . . . do acknowledge The United States of America to be Free, Independent and Sovereign States and declare that the People thereof owe no Allegiance or Obedience to George the Third, King of Great Britain and I renounce refuse and abjure any Allegiance or Obedience to him, and I do swear (or affirm) that I will to the utmost of my Power support, maintain and defend the said United States against the said King George the Third, his heirs and Successors and his and their Abettors, Assistants and Adherents and will serve the said United States in the office of . . . which I now hold with Fidelity according to the best of my skill and understanding.

10. Ibid. In another example, on 28 December 1780, Washington court-martialed Thomas Dewees, finding him guilty of two offenses: (1) not taking the oath of office and (2) “selling public wood to the prejudice of the service.” Here we see that not taking the oath is not simply an administrative error. In fact, the practice at the time was to publish the sentence in a newspaper “to prevent in future the commission of such crimes.” Today’s 24-hour worldwide media coverage continues to publicize military indiscretions and has an impact on how the public perceives the military.

11. Mortimer J. Adler provides a superb analysis of the Constitution in *We Hold These Truths: Understanding the Ideas and Ideals of the Constitution* (New York: Macmillan, 1987).

12. Peters, 23. Using the initials “A.B.” is a legislative format to identify a place filler for the person’s first and last names.

13. Ibid., 119–21. As is the case today, separate “appropriation” acts specified the budgets.

14. The oath of 1862 is as follows:

I, A.B. do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the functions of any officers whatever, under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.

See *An Act to Prescribe an Oath of Office, and for Other Purposes*, 37th Cong., 2d sess., chap. 128.

15. To trace legislation relating to military oaths, one should understand the basic organization, structure, and four major changes to legislation in the United States. The original laws, starting in June 1789, were identified as statutes, organized by chapters and sections. On 1 December 1873,

Congress enacted the Revised Statutes, a single act that codified all the permanent laws in force. These statutes superseded all the previous ones from 1789 through 1873. The Revised Statutes were organized by title and section. The next overall effort to better organize the laws of the land occurred in 1926, when the *United States Code (USC)* replaced the Revised Statutes. The laws were organized into 50 titles and divided into sections. Title 5 dealt with the Executive Department (including military officers); Title 10 dealt with the Army (and the Army Air Forces within the Army); Title 32 concerned the National Guard; and Title 34 dealt with the Navy/Marine Corps. The most recent (and ongoing) version of the *USC* began in 1946, with a comprehensive project of revising and enacting all of the *USC* into “positive law,” which did away with the need to refer back to previous statutes to clarify the current law of the land. The current *USC* is organized by title and section but also includes subtitles, chapters, and parts to further divide and organize the legislation. The current Title 10 consolidates the military services (except the National Guard) into a single title, although there is still legislation relating to the Department of Defense, a department in the executive branch, in Title 5. At least 19 pieces of legislation address military oaths. For a more detailed description of the legislative history of the oath of office, contact the author by E-mail: "mailto:kdkkeskel@hotmail.com" .

16. In a highly publicized confrontation between Gen Douglas MacArthur and President Harry S. Truman during the Korean War, MacArthur openly criticized the administration’s handling of the war effort, even threatening to invade China and thus defy the civilian leadership’s policy. As a result of the general’s actions, on 11 April 1951 President Truman relieved MacArthur as supreme commander, United Nations Command. Truman explained how, from his perspective, MacArthur did not support the requirements of the Constitution and did not faithfully discharge his duties: “Full and vigorous debate on matters of national policy is a vital element in the constitutional system of our free democracy. It is fundamental, however, that military commanders must be governed by the policies and directives issued to them in the manner provided by our laws and Constitution. In time of crisis, this consideration is particularly compelling.” “Truman Dismisses MacArthur,” *CNN Interactive*, on-line, Internet, 14 October 2002, available from <http://www.cnn.com/SPECIALS/cold.war/episodes/05/documents/macarthur>.

17. Wesley K. Clark, *Waging Modern War: Bosnia, Kosovo, and the Future of Combat* (New York: Public Affairs, 2001), 154.

18. Although it is well understood that the United States is a NATO member and therefore a part of Clark’s dedication, he consciously seems to focus on NATO rather than the United States.

19. One could also argue that Clark’s support of NATO over current US policy is consistent with the Constitution, which provides the authority for the executive branch to make treaties; thus, the NATO alliance, ratified by Congress according to the Constitution, is consistent with that document.

20. According to the preamble, “We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”

21. Maj Larry A. Helgeson has similar thoughts in his article “Moral Obligations from our Oath to the U.S. Constitution,” in *United States Air Force Academy Journal of Professional Military Ethics*, 1988, 3–19.

22. *George Washington’s Farewell Address to the People of the United States*, 17 September 1796, on-line, Internet, 4 January 2002, available from <http://www.earlyamerica.com/earlyamerica/milestones/farewell/text.html>.

23. Part of President Abraham Lincoln’s justification for the Emancipation Proclamation demonstrates the thinking of the era: “I felt that measures, otherwise unconstitutional, might become lawful, by becoming indispensable to the preservation of the constitution, through the preservation of the nation.” See Helgeson, 15.

24. Even Washington understood that the Constitution was not perfect. Prior to the Continental Congress, he observed, “Let us raise a standard to which the wise and honest can repair. The event is in the hand of God.” John Romain Rood, *The History of Building the Constitution of the United States* (Detroit: Detroit Law-Book Co., 1948), 13.

25. Helgeson, 4. Many countries today require an allegiance to a king or head of state. For example, the following countries require officers to swear allegiance to an individual:

- Great Britain: “I swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth The Second, Her Heirs and Successors, and that I will as in duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown and Dignity against all enemies, and will observe and obey all orders of Her Majesty, Her Heirs and Successors, and of the Air Officers and other Officers set over me.”
- Jordan: “I swear to be loyal to God, country, and the king, and conduct all my job requirements with honor and dignity, with no discrimination or bias, and to obey all military orders issued to me from my superiors.”
- Brazil: “As I incorporate to the Brazilian Air Force, I promise to obey strictly the orders given by the authorities, respect my superiors in hierarchy, and be good to my comrades/subordinates; dedicate myself entirely to the service of my country, defending honor, institutions and duties with the sacrifice of my own life.”

Information provided by international officers attending the US Air War College, Maxwell AFB, Ala., spring 2002.

26. The concept of posse comitatus is based on an act of Congress (20 stat. L., 145, chap. 263, sec. 15, 18 June 1878). Sec. 15 starts with the following statement: “From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States, as a posse comitatus, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress.” The law was passed as a result of 15 years of perceived

“military occupation” of the South after the Civil War. See *The Posse Comitatus Act of 1878*, on-line, Internet, 22 August 2002, available from "http://www.dojgov.net/posse_comitatus_act.htm"

27. Jim Garamone, “F-22 Gets Green Light for Low-Rate Production,” *American Forces Information Service News Articles*, on-line, Internet, 4 April 2002, available from http://www.defenselink.mil/news/Aug2001/n08162001_200108161.html.

28. In fact, the F-22 Web site highlights how our new-generation fighter will take us from air superiority to air dominance. The site actually has a clock that counts down the seconds to air dominance. See *F-22 Raptor Team Infonet*, on-line, Internet, 4 April 2002, available from <http://www.f22-raptor.com>. Another example of a neglected shortfall is strategic lift.

29. Hyman, 5.

30. The Army has seven core values: integrity, honor, loyalty, respect, duty, personal courage, and selfless service.

31. *United States Air Force Core Values* (Washington, D.C.: Department of the Air Force, 1 January 1997).

32. *National Archives and Records Administration: Washington’s Inaugural Address*, 30 April 1789, on-line, Internet, 4 January 2002, available from http://www.archives.gov/exhibit_hall/american_originals/inaugtxt.html. Washington reiterated this warning against parochialism in his farewell address eight years later: “In the most solemn manner against the baneful effects of the spirit of party, generally.” See *George Washington’s Farewell Address*. The problem of parochialism is also highlighted in the New Testament of the Bible: If a kingdom is divided against itself, that kingdom cannot stand (Mark 3:24).

33. It is ironic that even patriots like George Washington and John Adams initially took an oath and swore allegiance to the king of England and later, as clearly stated in the Declaration of Independence, acknowledged that sometimes one must go against that pledge: “Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government.” In another piece of irony, immediately after the chancellor of New York swore in George Washington as president of the United States (during which Washington pledged to preserve, protect, and defend the Constitution), the chancellor proclaimed, “Long live George Washington, president of the United States,” rather than proclaiming long life for the Constitution. See Gales, 27.

34. The Navy and Marine Corps share the core values of honor, courage, and commitment.

35. Vice Adm James B. Stockdale said that “a person’s integrity can give him something to rely on when his perspective seems to blur, when the rules and principles seem to waiver, and when he’s faced with hard choices of right and wrong.” Quoted in Maj Mark A. Hyatt’s “Honor and

Ethics Must Be Reflected in the United States Air Force Officer's Oath of Office," *United States Air Force Academy Journal of Professional Military Ethics*, 1988, 25.

36. Peters, 24.

37. In the State of the Union Address of 1987, President Reagan remarked, "Finally, let's stop suppressing the spiritual core of our national being. Our nation could not have been conceived without divine help." See "Ronald Reagan: State of the Union Address, 27 January, 1987," *This Nation*, on-line, Internet, 14 October 2002, available from <http://www.thisnation.com/library/sotu/1987rr.html>.

38. Washington's farewell address highlighted the link between religious values and the success of this experiment in democracy: "Of all the dispositions and habits, which lead to political prosperity, religion and morality are indispensable supports." See *George Washington's Farewell Address*.

39. *The Original Pledge of Allegiance*, on-line, Internet, 25 September 2002, available from <http://www.usflag.org/the.pledge.of.allegiance.html>. The pledge of allegiance originated in 1892, when Francis Bellamy published a few words in *The Youth's Companion* magazine for schoolchildren to recite on 12 October 1892, the 400th anniversary of Columbus's discovery of America. Over 12 million children recited the initial version of the pledge that day: "I pledge allegiance to my flag and the Republic for which it stands—one nation indivisible—with liberty and justice for all." On 14 June 1943, the first National Flag Conference changed the words "my flag" to "the Flag of the United States," and in 1942 Congress formally recognized the pledge. One year later, the Supreme Court ruled that students could not be forced to recite it. In 1953, after lobbying from the Knights of Columbus, the pledge saw its final change, adding the phrase "under God." Unfortunately, that phrase recently came under scrutiny when the 9th US Circuit Court of Appeals in San Francisco ruled that the pledge constitutes an unconstitutional endorsement of religion because it contains the phrase "under God." On the bright side, it is encouraging to see so many public officials actively working to reverse that decision.

40. House, *Armed Forces Oath of Enlistment, Report to Accompany H.R. 218*, 87th Cong., 1st sess., 25 July 1961, 4. The Constitution guarantees that "no religious test shall ever be required as a qualification to any office or public trust under the United States." Both Congress and the Supreme Court have ruled that including the words so help me God is not unconstitutional.

41. Sun Tzu, *The Art of War*, trans. Samuel B. Griffith (Oxford: Clarendon Press, 1963), 63.

42. Helgeson, 4.

43. The Bible includes references to oaths. For example, Matthew quotes Jesus as saying, Again, you have heard that it was said to the people long ago, Do not break your oath, but keep the oaths you have made to the Lord (Matt. 5:33).

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