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Obedience to Orders, Part 2

by Jacob G. Hornberger

Last week we posted my article [Obedience to Orders](#), which has generated a load of [emails](#), including many from cadets and officers from both West Point and VMI.

Given the nature of the massive attacks on my position by the West Pointers, most of which have been eloquent and passionate, I believe it's important to publicly address the major points raised in their emails.

There was much criticism regarding the VMI cadet corps's treatment of the tactical officer who placed the VMI first-classman (senior) on report for possession of liquor, knowing that it would result in his immediate expulsion from the Institute.

Maybe you just had to be there to understand the context of the situation — that is, life at a military school from 1968 to 1972, at the peak of the Vietnam War, a war that resulted in the deaths of 58,000 American men, including a number of VMI graduates.

From the time I arrived at VMI, there was a specially worded announcement that would periodically be made over the public-address system at supper in the mess hall. I don't recall the exact words but they would always produce an immediate hush across the huge room. It went something like this: "Attention to Orders. 5 April 1970. Republic of Vietnam. [pause and silence] John Smith, VMI class of 1968, this day killed in action."

Every time we heard that announcement, the air in the room became thick with anger and hostility. You see, at least by 1971 most of us had come to the realization that many other Americans had arrived at — that our schoolmates were being sacrificed by our own government in a worthless and ignoble cause — and that the carnage would continue indefinitely until someone finally mustered up the courage to order the withdrawal of all U.S. troops from Vietnam.

Thus, when some of the West Pointers point out that the tactical officer was just “doing his duty” in enforcing the no-booze regulation, they are technically right. But given all the circumstances, we weren’t in any mood to see things that way. After all, if God intended a soldier to blindly enforce all rules and regulations and blindly obey all orders, he wouldn’t have given him a mind and a conscience.

Understanding why a man might want to have a drink in violation of a regulation during that period of time, and recognizing that the man was just a few months away from graduation after spending four years at VMI (as compared to an underclassman), understanding the pain and horror that VMI cadets had been experiencing as they learned of their schoolmates dying in a worthless and ignoble cause, and seeing that the man was likely to be soon fighting (and possibly dying) in a rice paddy in Vietnam, the officer could easily have said to himself, “The bottle says bourbon on the outside, but I can’t really be certain that it contains bourbon without tasting it, and it would be improper for me to taste what is inside someone else’s bottle.” And he could have simply walked away. Albeit difficult, sometimes that’s what being a good officer is all about — making a proper judgment as to when infractions are worthy of enforcement and when they’re not.

The West Pointers have taken me to task for suggesting that my article condemns and denounces all graduates of the professional military academies. I certainly did not mean to imply that, and if the article conveys that impression, it was owing to a poor choice of words on my part, for which I apologize. West Point has indeed produced many fine officers (Lee, Jackson, and Longstreet come immediately to mind), but the West Pointers must concede that it has also produced its share of bad apples (the war criminals Grant, Sherman, and Sheridan come to mind).

What I intended to suggest was simply that there is a skew in the professional military academies that tends to produce officers who blindly obey orders, while at VMI the skew is in the opposite direction — in the direction of first deciding whether an order is illegal or immoral and, if so, refusing to obey it. That’s not to say that all military-academy officers blindly obey orders (or are bad officers) or that all VMI officers don’t (or are all good officers). It’s just to suggest that I believe there is a skew or tendency in those directions.

It’s true that I could be wrong with respect to one of my theories of why there is a dichotomy between the professional military academies and VMI (my theory being that the military academies require the approval of politicians as a condition of admission while VMI does not), but I don’t see how anyone can dispute that such a dichotomy does in fact exist, especially given that the scandals the professional academies have experienced have been unknown at VMI.

The observation made by some of the West Pointers that VMI cadets are periodically expelled for honor violations misses the point. Of course they are, especially given that VMI has the strictest honor code in the country (an honor code, by the way, that is implemented and enforced only by the students and not by the administration). But individual expulsions for honor violations are a far cry from a schoolwide scandal involving large numbers of students conspiring with each other to commit honor violations.

Would it be wrong with determining what makes VMI different and then applying that formula to the military academies? (Anyway, at the risk of asking an indelicate question, why in the world are the members of Congress involved in the selection process at the academies anyway?)

What's interesting, however, is that most of the critical emails I received focus on the issue of which officers are better, rather than on what I intended to be the central point of my article: the issue of the U.S. government's torture and mistreatment of prisoners of war and criminal suspects and the officer's duty to disobey an order to participate in such misconduct. I suppose I bear responsibility for that by combining the two issues in my article.

So let's put the central and important issue in clear and stark terms, so that there will be no misunderstanding or side issues to distract us:

It is wrong, immoral, and illegal to torture or mistreat prisoners of war and criminal suspects. It is a crime or a war crime to do so, whether it's done by an enemy soldier or cop or by a U.S. soldier or cop. A military officer has a moral and legal duty to refuse to obey an order to that effect, whether it is issued by the president or simply his immediate superior officer.

Black and white. No hemming and hawing. No fuzziness. No side issues.

Now there are those who say, "But I don't have proof that my government is engaged in such wrongdoing. It's all just hearsay. I'm hoping that it really isn't happening."

Well that just doesn't cut it, now does it? After all, we can all sit here and say that the reports of rapes at the Air Force Academy are just based on hearsay and we can just hope that the Academy administration didn't condemn the rapists and didn't protect the rapists, but how can that ostrich strategy be reconciled with principles of morality and law? After all, it's not possible, is it, that the ostrich strategy that has covered up rapes and protected rapists at the Air Force Academy might be related to the ostrich strategy on U.S. torture and mistreatment of POWs and criminal suspects?

For those who would prefer not to employ the ostrich strategy, here are a few links to get started confronting the uncomfortable truth about the U.S. government's torture and mistreatment of POWS and criminal suspects:

[Rules of War Apply to Us Too](#)

[Guantanamo example may hurt POWs](#)

[Hypocrisy In U.S. Demands That Call For Respect Of Geneva Conventions](#)

[U.S., too, may be guilty of war crimes](#)

[Afghan Prisoners Beaten to Death at US Military Interrogation Base](#)

[One Rule for Them](#)

[Double Standards](#)

[Torture and Terror](#)

[Questioning Terror Suspects in a Dark and Surreal World](#)

Are there academy graduates involved in the chain of command in this wrongdoing? I don't know. And I don't know whether there are VMI officers involved in it. My point is only that my experience at VMI, as related in my previous article, would lead me to be extremely surprised if VMI officers were involved. On the other hand, periodic schoolwide scandals at the professional military academies, including cheating and raping, and what I perceive as a tendency toward blind allegiance to rules and orders and a tendency to "protect our own," lead me not to be surprised if graduates of the military academies are in that chain of command.

Again, I'm not suggesting that all academy graduates would obey such orders or knowingly participate in such misconduct or that all VMI graduates would not. I'm just suggesting that the two different skews I perceive tend toward different results in the same circumstances.

The Bush administration has suggested that the "war on terrorism" will effectively last forever. Balderdash. The dark days of Chile and Argentina during their "wars on terrorism" did not last forever. Ultimately the sun comes out, and then it's just a question of who participated in the wrongdoing during the dark days and what moral and legal responsibility they bear for their wrongdoing.

Everyone loves to bash lawyers, but at least the American Bar Association has had the courage to take a public stand against the administration's massive assaults on civil liberties. (See, for example: "[The Lawyers Speak Out](#)," an editorial in the Cincinnati Post.

While the matter of torture and mistreatment of prisoners of war and criminal suspects should be of concern to all American citizens, it's an area that should be of special importance to U.S.

military officers. In this area, the U.S. officer corps has the duty of saying “No,” even if it’s to the president.

Moreover, every officer worth his salt should know that torture and mistreatment of enemy prisoners of war is the worst possible military strategy one’s side could employ. If the enemy knows that he is going to be treated well, he is much more likely to surrender. Why else were German soldiers desperately fighting (and dying) near the end of World War II to surrender to U.S. forces rather than to Soviet forces? Therefore, any officer who gives a hoot for the welfare of his men will do his best to ensure that such a wrongful policy is abandoned posthaste. Moreover, while there is no guarantee that enemy forces will honor the same rules of right conduct, it’s much easier to call on them to do so when you are on the moral high ground.

Americans are supposed to be better. We’re supposed to be the model for the world. That applies not only to civil society but to our military as well.

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