

Oath of Office: A Call to Revisit Civic Education in the Military

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Every Soldier has taken a required oath to support and defend the U.S. Constitution. Currently there are two versions of oaths for active duty Army personnel. The oath for Officers, Warrant Officers and Civilians binds them only to the Constitution, whereas enlisted oaths are binding to the Constitution and the orders of officers in the chain of command, including the president. Oaths in 21st century America, both in and out of the military, have largely been reduced to a ceremonial relic that can be easily broken. How many Soldiers seriously consider their oaths before taking them? How many revisit their oaths throughout their careers and reconsider their obligations in light of positions of increasing responsibility? The recruiting process is devoid of any assessment of a recruit's knowledge or commitment to the Constitution. How many commanders take the time to instruct their subordinates in the meaning and implications of their oaths?

As civic literacy has declined in America, so has any basic understanding of the American Constitution. In 2015, the Annenberg Public Policy Center conducted a Constitution Day civics study which ultimately concluded that Americans actually know very little about their founding document or adhere to it. The results of the study are shocking. For example, only 31 percent of those surveyed could name all three branches of government, and 34 percent thought that the Bill of Rights included the right to home ownership. A survey of the 2018 Army Strategic Broadening Seminar cohort revealed that only 25 percent of the SBS participants felt like their civic education prior to the military was sufficient. Additionally, 65 percent reported that they have received no civics training once serving in the military (Durling). If soldiers are not receiving adequate civic education prior to enlistment and the military does not offer it once

they enter upon service, how are soldiers to be expected to take their oaths seriously and be bound by a document that they do not well understand and have not contemplated?

If our oaths of office are to continue to mean anything in the 21st century, we must all take our oaths seriously and come to understand what they mean and their origins. We also must understand the document to which we are pledged and the government that has formed under it. To that end, the remainder of this paper explores the origin and meanings of oaths of office, their history in America and what Soldiers today should understand about their oaths and the Constitution that they swear to uphold.

Early History of Oaths

Oaths are sacred, binding and unwavering commitments. The first recorded oath is made by God and found in the book of Genesis, the first book of the Bible. It comes following Noah's survival of the great flood: "Never again will I curse the ground because of humans, even though every inclination of the human heart is evil from childhood. And never again will I destroy all living creatures, as I have done" (KJV Gen 8:21). In the book of Numbers, a framework for oaths is given: "When a man voweth a vow unto the Lord, or sweareth an oath to bind his soul with a bond, he shall not break his word; he shall do according to all that proceedeth out of his mouth" (KJV Numbers 30:2). Melissa Mohr (2013: 55), a Medieval and Renaissance literature expert, wrote that "Swearing an oath means calling on God to witness that a person is telling the truth or intending to fulfill a promise." For thousands of years, oaths were used in cultures across the globe as part of institutions and habits that bound the fabric of society and were most often deeply religious. In *The American Review of Public Administration* Journal, Mark Rutgers (2010: 433) wrote that "Oaths were a core social phenomenon for the Greeks, in fact, oaths were

regarded the very foundation of democracy” (433). He also wrote of the importance of oaths in the Middle Ages:

For example, in towns everyone involved in an activity of public importance—was involved in providing public value—had to take an oath: butchers, gatekeepers, doctors, apothecaries, even brothel keepers. The prime aspect of these oaths is that they demand loyalty: be it to the monarch, the lord of the town, and/or the town council (and later, “the constitution,” and “the people”). Over time and alongside the oath of loyalty, a special oath of office developed concerning the duties of a member of a collegium (433).

Though oaths have their roots deep within the Judeo-Christian heritage, they have come to be used by a much wider and more secular culture beginning in the late 18th and 19th centuries. The decoupling of religion and oaths was certainly a gradual process but perhaps best culminates in the case of affirmation heralded by Charles Bradlaugh. A professed atheist, Bradlaugh was elected to the British House of Commons in 1880. The Parliamentary Oaths Act of 1866 was the most recent codification of the requirement to swear an inherently religious oath. Bradlaugh refused to swear the oath and summarily was not seated. He continued to be elected—and not seated—in the house multiple times despite High Court injunctions. It was not until 13 January 1886 that the Speaker of the House refused to recognize motions by other House members which would have prevented him from being seated despite his failure to take the oath. Ultimately, Bradlaugh was a co-sponsor of the Oaths Act 1888, which, for the first time, institutionalized the option to affirm as a substitute for swearing an oath (Campbell 137-138).

Oaths in the American Military Tradition

The use of oaths is common among modern militaries across the world. Some militaries such as the Greek military have a single oath used by all service members. The Hellenic Armed forces oath (Greek military) is administered by a high-ranking priest from the Greek Orthodox Church (Xylokotas). The German military has a bevy of oaths: different oaths for enlisted,

officers, conscripted service, voluntary service, etc. In Great Britain the oath is to a person (Monarch), and in the United States, a Constitution. South Korea's oath is to the citizens of the Republic of Korea and the Constitution.

Oaths have always been a part of the American military tradition. In the Continental Army, Soldiers were required to name the 13 colonies and swear an oath to keep the colonies free, as well as to denounce any allegiance to the King (Oaths). According to the US Army Center of Military History, after the Constitution was ratified those not wishing to "swear" their oath had the option of affirming it (Oaths). While affirmations did not formally emerge in British politics until 1888, they existed in the United States from just after the Constitution itself was established. Affirmation essentially means the same to swear, which is "to bear witness to" but without a religious connotation. Like many other conventions in America which have Judeo-Christian religious beginnings, oaths are no longer exclusively religious. The constitutional crisis that precipitated the Civil War necessitated the addition of the words: "I will support and defend the Constitution of the United States" to military oaths (Oaths). The union strove to make crystal clear that military officers were responsible to the Constitution above all else. Ironically, the case could be made that until those words were added on July 2, 1862, the oath requirement of the Constitution was not being met by the military. United States code specifies the current oaths of enlistment and commissioning, and it has only undergone minor changes since the Civil War.

The War College, Command and General Staff College, the Captain's Career Course and OCS are all completely devoid or severely lacking in any instruction regarding Constitutional history and the oath of office. The professional military education system presupposes that Soldiers know the basic elements of the Constitution prior to joining the military. Military education has not caught up to train Soldiers on civics and, thus, they likely do not know basic

elements of the Constitution that they have agree to support and defend. What will happen in the next Constitutional crisis? Are military leaders equipped with the understanding of the Constitution that would be required to disobey orders or to act autonomously of the executive branch in order to defend the Constitution? If such times occurred, military leaders would need to be able to justify their actions not only to themselves, but to their Soldiers and also to the American people.

Conclusion

Oaths are serious, and the Constitution, complex. This history of oaths is founded in the Judeo-Christian tradition but is no longer necessarily linked to Judaism or Christianity. Americans, including today's Army recruits, lack an understanding of the history and importance of oaths upon joining the military. The recruits likely also have only a rudimentary understanding of the United States Constitution. In order to help alleviate this lack of soldier preparation for service under their oath, I make three simple recommendations. First, the Army should incorporate civics and lessons on constitutionalism into all professional military education, specifically in initial training programs. Second, Army Doctrine Publication 1 and Army Doctrine Reference Publication 1 should be revised to include basic information about the seriousness of the oath and the basic history, civics and information regarding the Constitution. Third, oaths are currently only required upon enlistment or commissioning and optional for subsequent promotions. Re-affirming the oath should become mandatory for all promotions, to provide subsequent reminders to our solemn duty. All Soldiers should appreciate the gravity of their oath and understand the document that they pledge to support and defend.

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