

Ethical Paradox, Cultural Incongruence, and the Need to Develop Moral Warriors

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Abstract: This paper investigates the paradox of ethical military Service – that in order to support good order and discipline, an officer must disregard any personal moral or ethical principles when following orders as long as the order is legal. It is the author’s contention that this paradox breeds a culture that is not a values-based system as is often touted by each of the military Services, but is a rules-based system. This rules-based system does not allow room for the “moral warrior” (one who stands on principle) because the only principle that matters is the one that the organization deems valid. Ethically gray events such as disallowing dialogue within the chain of command, conducting business overseas with officials who are corrupt, and less than optimal use of resources are all acceptable as long as they fall under the purview of a lawful order. The author recommends that if the Services want a truly values-based organization, then they must begin to reward behavior that places values above conformity. It is recommended that the annual officer evaluation reports document to the greatest extent possible the ethical and moral make-up of an officer.

Competing Values

“It worried me that sometimes the system could put us in a position where we don’t create and develop officers who are willing to speak the truth and feel the sense of obligation to do it, regardless of the cost, or who won’t be respected or admired or rewarded for doing that. I would hope that we would never find ourselves in a position where we would create an atmosphere where our subordinate leaders didn’t feel free to speak.”

Gen Zinni, USMC (ret.), 2003ⁱ

“Personal and professional honor do not require request for reassignment or retirement. If civilians order one’s service, command, or unit to act in some manner an officer finds distasteful, disastrous, or even immoral. The military’s job is to advise and then execute lawful orders....If officers at various levels measure policies, decisions, orders, and operations against personal moral and ethical systems, and act thereon, the good order and discipline of the military would collapse.”

Professor Richard H. Kuhn, 2007.ⁱⁱ

The above two quotes capture the paradoxical nature of the ethical environment within the U.S. Military. That ethical environment presents a conundrum of competing values to the organization - how does the military develop officers who can thrive in situations of a treacherous nature that demands obedience to hierarchical authority, yet requires officers to speak with candor because the costs of not doing so may be catastrophic? Unfortunately, research and recent events suggest that perhaps the military is not doing a good job of developing officers who can successfully balance such paradoxical requirements. Perhaps the kind of organization, where the personal and professional price for candor is too high, as cautioned against by General Zinni when he spoke at the United States Naval Academy in the Spring of 2003, is the kind of organization that the military has become.

Most recently, the U.S. Army War College conducted a study that showed rampant lying within the Army,ⁱⁱⁱ and in another study conducted, it was determined that candor was the missing element of the Army profession.^{iv} So on the one hand, there is the military ethical environment of Professor Kuhn wherein an officer needs to set aside any personal morality and ethic in order to do the bidding of the state, and on the other, there is the environment of General Zinni wherein an officer needs to speak truth to power (presumably based on some ethical or professional premise) regardless of the cost. However, the most effective organization most likely lies somewhere between these two conditions. That is, an organization where moral officers act within a values-based system that allows them to behave and maintain the moral high ground while supporting the greater objectives of the state. However, circumstances, both past and present, indicate that the military is an organizational culture that could be determined to be ethically ambiguous at best. For example, despite self-aggrandizement about being a values-based organization, consider the lack of candor concerning significant issues from senior military leadership of the ilk described in Lieutenant General McMaster's *Dereliction of Duty*, or the accounts of more modern day generals who are afflicted with careerism in Tom Ricks' *The Generals*, or in the 2006 case of the revolt of the retired generals detailed in the pages of *Vanity Fair*; each of these indicative of a military organization that is diminished in core values like integrity, moral courage, and honor.^v

Consider the following five examples: As a Major, David Petraeus wrote a dissertation that was critical of the U.S. Army's actions during Vietnam and was faced with the dilemma of whether or not to publish it. Previously Andrew Krepinevich had published a likewise critical dissertation to the derailment of his Army career. Petraeus chose not to meet the same fate as Krepinevich and did not publish his work.^{vi} The internet is replete with personal anecdotes from

military members who have had to work closely with Afghan officials who keep “Chai Boys,” young adolescents who are abused as sex slaves. Officers are required to work with foreign nationals who they know (and can prove) are corrupt and stealing the U.S. taxpayer’s dollars for personal gain. General officers, who have spent years in the crucible of military ethics, are criminally prosecuted for sexual harassment, abuse of government funds, or abuse of power on a too often basis. Military officers who speak at professional military education institutions hide behind the veil of non-attribution in order to tell the truth as they see it. Each of the above noted instances are indicative of an organization that suffers from cultural incongruence which results when the espoused values of an organization are not aligned with the values-in-use of an organization. Argyris and Schon (1974) state that cultural incongruence will result in dysfunction, frustration, and unethical behavior in an organization.^{vii} The 2015 Army War College study stated that “...the first step toward changing this culture of dishonesty is acknowledging organizational and individual fallibilities.”^{viii} Perhaps the military needs to conduct a self-assessment to determine what its values-in-use are. The thesis of this paper is that the U.S. military, because of a legalistic approach to ethics, has not developed an environment that enables officers to act as moral and ethical warriors *and* follow orders in order to maintain good order and discipline. This has resulted in an officer corps that does not have a definitive ethic beyond a rules-based approach to duty resulting in less than optimal performance in ethical decision-making. The only way for the military to develop an officer corps that is representative of a values-based professional ethic is to develop a reward system for desired ethical behaviors.

Differential Ethics

An important point of note is that professional ethics codes usually are based upon particulars of the profession. Ethics codes are developed for specific situations within in a

profession wherein an ethical dilemma might emerge. In addition, some ethics code will require members to behave in a manner contrary to what might be considered good ethical behavior; this is referred to as “differentiated ethics.” An oft cited example of differentiated ethics is that of priests who cannot report to authorities what they hear inside a confessional, even if a person confesses to concocting a scheme to hurt others. An ethical person hearing the same thing would be expected to report such information to authorities.^{ix} In the case of the military, differential ethics manifests in many ways. One way being that killing, which is usually immoral, if done in defense of the state is not illegal under international law. Other examples of this sort of ethical dilemma are outlined in previous paragraphs which demonstrate that doing one’s duty overrides any personal ethical dilemmas that may arise such as being required to conduct business with corrupt leaders, tolerating pedophiles from other cultures, or even compromising personal integrity in order to support the position of superiors.

In the military ethical environment described by Kuhn, the compromise of personal moral beliefs is a requirement for good order and discipline; however, Dr. Snider of the Center for Army Profession and Ethics proposes that an Army leader, (whose every decision and action is closely monitored by followers), who compartmentalizes and ignores personal ethical beliefs in order to meet the requirements of the state will eventually be seen as a leader who lacks integrity and that this will break down trust within the organization.^x Through this insight he has captured the essence of Argyris and Schon’s theory on cultural incongruence – if an organization and its members espouse one set of values, yet their actions are driven by another set of values, then the result will be detrimental to the organization.^{xi} Perhaps the answer to this dynamic is for the military to perform a self-assessment and to determine what its values are. This type of self-reflection has been ordered by a Secretary of a Service or the Secretary of Defense every few

years (indeed the current Secretary of Defense is considering a complete ethical review in the face of recent transgressions) but it never seems to solve the issue of ethical transgressions.^{xii} It is offered that the U.S. military's primary difficulty with ethics is that its approach to ethics, although espoused as primarily a values-based approach is in reality a legalistic one.

The Current Environment

The current values-based approach most often touted by the military leaders as defining the military ethic applies easily manipulated and nebulously defined values and is an insufficient ethical base for decisions. For example, loyalty can be manipulated and defined as loyalty to your superior, the organization, the constitution, or to your charges – which one has precedence? Does moral courage mean publishing or drawing attention to a problem even if it might garner disfavor within the organization? The answer to both of these questions is that the answer will be whatever your superior tells you the answer will be. If moral courage is so valued, then why did the 2015 Army War College study find it so deficient? Does integrity mean setting aside every ounce of personal decency in order to conduct operations with officials from another country? Almost 100 percent of officers surveyed in previous research answered that if an order were legal, despite its questionable moral or ethical component, that it must be followed.^{xiii} This survey result implies that the ethical standard for the military is not values-based (as is most often heard), but is a legalistic ethic.

Does not the Military Already Have a Code of Ethics?

Military members will often point out that the military does have a code of ethics. They will note that the Uniform Code of Military Justice, a legal document, serves that purpose. Others will argue that the Service values, Joint Ethics Regulations, assorted creeds, and the code of conduct are more than enough for a code of ethics. However, upon analysis of the

aforementioned components, (except for the code of conduct which is written specifically for combat and prisoner of war situations), the others are woefully inadequate as ethical codes. I will address each one in kind.

There are no lack of codes written for Department of Defense employees and military members. The Joint Ethics Regulation is a 200 page legalistic didactic tome that does little to provide employees with specific guidance upon which to base ethical decisions (aside from providing guidelines about limits of gifts, or how to define conflict of interests).^{xiv} In addition, well-established ethical standards of conduct for DOD employees codified in Executive Order 2731^{xv} and 5 Code of Federal Regulations (C.F.R.) Part 2635^{xvi} stipulate a rules-based ethic for those in government. From that basis, it appears that the moral philosophy utilized within the Department of Defense is a narrow rules-based philosophy that complies with the guiding principles of ethical conduct in the executive order and the ethical standards established in 5 C.F.R. Part 2635, not a virtue or values-based ethical environment.

The Code of Conduct dictates unambiguous behavior in combat and in prisoner of war situations. It is clear in its expectations. For example, Article II states that “I will never surrender of my own free will. If in command, I will never surrender the members of my command while they still have the means to resist.”^{xvii} Contrast this clarity with the definition of Integrity offered on the official Army website: “Do what is right, legally and morally. Be willing to do what is right even when no one is looking. It is our "moral compass" an inner voice.”^{xviii} The Army never actually defines what a “right” behavior is. The Code of Conduct explicitly tells the reader not to surrender. This ambiguity is endemic to not only the Army values, but the values espoused by all of the Services. The navy defines “honor” as:

"I will bear true faith and allegiance ..." Accordingly, we will: Conduct ourselves in the highest ethical manner in all relationships with peers, superiors and subordinates; Be

honest and truthful in our dealings with each other, and with those outside the Navy; Be willing to make honest recommendations and accept those of junior personnel; Encourage new ideas and deliver the bad news, even when it is unpopular; Abide by an uncompromising code of integrity, taking responsibility for our actions and keeping our word; Fulfill or exceed our legal and ethical responsibilities in our public and personal lives twenty-four hours a day. Illegal or improper behavior or even the appearance of such behavior will not be tolerated. We are accountable for our professional and personal behavior. We will be mindful of the privilege to serve our fellow Americans^{xix}

This definition of honor, although quite lengthy, has not kept the Navy from relieving 90 commanders for cause during the last five years.^{xx} Once again, although much more detailed than the Army's definition of honor (which is "Live up to all Army values"^{xxi}), the Navy's definition is nothing more than aggrandizement of aspirational behavior. For example, even Admiral Mike Mullen, former Chairman of the Joint Chiefs of Staff, waited until he was a Rear-Admiral before he wrote an article in Proceedings titled "*Cultural Changes: What Stays and What Must Go*"^{xxii} which detailed some very significant problems within the Navy such as abuse of enlisted manpower and the waste of resources. Was the readership to believe that the bevy of ills noted at that time by Admiral Mullen were new to him? Although it is conjecture, it is fair to assume that Admiral Mullen most likely took the path of least resistance and waited to be in a position wherein he was senior enough in rank so that he might not be chastised for such candor. B.H. Liddel Hart noted this phenomenon in the early twentieth century when he wrote "I found that moral courage was quite as rare in the top levels of the services as among politicians."^{xxiii} Likewise, more recently, Paolozzi wrote a monograph entitled "Closing the Candor Chasm: The Missing Element of Army Professionalism."^{xxiv} Note that he described the lack of candor as a "chasm" denoting the serious predicament which results from not having a definitive ethical code that places honesty and integrity above all else. It is one thing to allude to organizational support of integrity and speaking truth to power, it is quite another to have an ethical code that

protects members who act in this manner. The U.S. Military has no such code, and if a military officer wishes to speak with candor, it is done at risk of career.

When faced with the dilemma that Service values do not sufficiently comprise an actionable ethics code, the Uniform Code of Military Justice (UCMJ) is usually pointed to as the bedrock for ethical military behavior. After all, the argument is proposed, that a legal code will include or be based upon all of the moral principles of a culture. While this may be true, the widespread aphorism “while it may be legal, that does not make it right,” leaves a lot of room for legal behaviors to become ethically questionable. As an example from another discipline, despite very explicit and robust laws framing business behaviors, most businesses will have a code of ethics to augment legal decision making.

Although the military has a bevy of codes, regulations, values, and orders that could be construed as creating a collective ethical code, the primary problem identified here is that the military, for many sound practical reasons, is legalistic-based in its ethics. The military ethical environment of Professor Kuhn is alive and well in the 21st century Armed Forces. Personal moral and ethical beliefs are indeed non-material in the behavior of military personnel. All espoused values come down to one overall value – follow lawful orders.

The Moral Courage to Solve the Problem

Taking all into account, the primary ethical problem within the military is how does it develop moral and ethical officers who also meet the good order and discipline requirements of an effective military? It is this author’s contention that most senior officer’s ethical failings that are highlighted in the military are associated with the cultural incongruence dynamic detailed in this paper. The organization says that it values a certain type of behavior, but then rewards a paradoxical behavior which develops officers who are never quite sure what it is the organization

values (except maybe conformity). For example, a colleague wrote an article critical of an Army program, but was told by the program manager that it would end the officer's career if it were published. In the aforementioned instance (as in most examples provided within) it was not the value of integrity that was preeminent, but that of conformity and compliance. The key issue is how does the organization identify officers of strong moral and ethical principle if the values-in-use (and thus the standard with which an officer is judged) are not the same as the espoused values? If further research confirms the findings of the 2015 Army War College study, then the current ethical environment is detrimental to building trust, critical thinking, and adaptive behavior in the organization. If officers spend an entire career in an ethical environment that negates any kind of moralistic or ethical decision making process under the pretext of good order and discipline, then it is no wonder that when they are actually faced with an ethical challenge, their ethical decisions come up short. However, in an ironic twist, in order to solve this problem it would take a morally courageous decision to change the personnel system, which would in turn transform the organizational culture of the military.^{xxv}

It is not practical to have an ethical code that works for all instances in the military. The Code of Conduct appears to work because it applies to a very narrow situation. The range of military operations and the subsequent circumstances are so varied that it would be futile to try to develop a code that worked for all of them. What the military needs to do is to carefully screen its personnel for strong ethical and moral characteristics. It appears from a bevy of literature that forthrightness and integrity, moral courage, respect for others, and loyalty to the organization are values that are espoused as being prized in the military.^{xxvi}

In 2004 at the Joint Leader Development Conference in Washington D.C. General Zinni (USMC) stated that the Services did not have mechanisms in place to take care of the truly out of

the box officer. He lamented that if someone were to behave according to his or her conscience that all it takes is one bad fitness report and that officer's career is most likely ended.^{xxvii} What I propose is that the Services incorporate a way to document the ethical make-up of an officer. This documentation needs to go beyond the standard box checking of the statement "This officer adheres to all Service values" or some similar generic assessment which only comes into play after an officer commits a serious transgression and the act of checking a negative box is easy. What is suggested is that the military Services provide a detailed assessment of the officer's ethical make-up prompted by statements.

The treatment of officer evaluations is another example of paradoxical and incongruent behavior within the military. There is no more critical task for any of the Services than selecting the next generation of leaders. However, in an almost indefensible act, most of the Services truncate the evaluation process and reduce it to a process of box checking. Each Service has various ways to document sustained superior performance, but none has a robust or detailed evaluation system. There appears to be a belief that qualitative performance can be quantified in a very compact comparative matrix. In a significantly ironic twist, even an officer who has shown sustained superior performance for years might have a career derailed because of an average report, even if that report is average because of a single conflict with a senior.

The U.S. Army, with its incorporation of the Commander 360 and the Multi-Source Assessment Feedback has demonstrated the desire for more detailed information in leader development processes. However, cultural intransigence has stalled the integration of more detail into the formal officer evaluation process. It is a recommendation that officer evaluations be changed to incorporate conceptually the intent of the 360. For example, if integrity and respect were truly valued, then a part of the officer assessment might look like the following:

*This officer has offered alternatives to my orders within my intent: Often---sometimes---rarely---never. Provide specific examples.

* This officer respects and develops his subordinates: Always----mostly---sometimes----rarely---never. Provide specific examples.

It should not be beyond the scope of an annual review to have 10-15 such statements to answer for the evaluator which would be in direct contrast to the very small amount of space that is currently authorized. The Commander's 360, which is not used in official evaluation, currently has a total of 34 areas for assessment. Once again, the assumption made is that selecting the next generation of leaders is too important to leave to a truncated quantitative system. If the Services can qualitatively determine the values that it espouses as most critical, and then can develop an evaluation that details whether an officer holds those behaviors and values, then the organization would be better for it.

Of course, adding a 360 degree type evaluation to the official record would provide added information concerning the moral and ethical make-up of officers. However, in another nod to paradox, if the U.S. military does indeed have the world's greatest leaders, then would their followers not agree? What about the 360 degree evaluation system so scares officers? The answers to these questions are beyond the scope of this paper, but perhaps investigating about values-in-use versus espoused values would provide insight.

Conclusion

When I first started this research, I thought that the military needed an ethics code that would protect the moral warrior. An officer then would be able to refer to the code when making an ethical decision and that the organization would back the officer even if the decision were contradictory to orders. However, much like Professor Kuhn, one quickly realizes that the unique

environment of the military could not possibly entertain a universal ethical code. However, because the unique environment of the military requires officers who have values (even if the system suppresses those at certain times) it would behoove the organization to ascertain the moral and virtuous make-up of its future leaders. A solution is to have a more robust analysis of the individual conducted and made part of the official record. The U.S. Army has determined that more information is required for leader development, it just has not exhibited the organizational courage to make that information a part of the official record. Arguably, the most important process conducted by any organization is to choose its leaders, military organizations need to treat it as such.

ⁱ GEN Zinni, USMC (ret). *The Obligation to Speak the Truth*. Lecture at Annapolis. 2003 retrieved 10 March 2015 from http://www.usna.edu/Ethics/_files/documents/ZinniPP1-20_Final.pdf

ⁱⁱ As quoted in Snider, D.M. *Dissent and Strategic Leadership of the Military Professions*. Carlisle PA: Strategic Studies Institute, 2008, p. 1

ⁱⁱⁱ Wong, L. & Gerras, S.J. *Lying to Ourselves: Dishonesty in the Army Profession*. Carlisle, PA: Strategic Studies Institute

^{iv} Paolozzi, P. *Closing the Candor Chasm: The missing Element of Army Professionalism*. Carlisle, PA: Strategic Studies Institute

^v McMaster, H.R. *Dereliction of Duty*, New York: Harper Collins Inc 1997.; Ricks, T. *The Generals*, Penguin Press: New York 2012; *Vanity Fair* retrieved 24 march from <http://www.vanityfair.com/news/2007/04/iraqgenerals200704>

^{vi} Kaplan, F. *The Insurgents: David Petraeus and the Plot to Change the American Way of War*, Simon and Schuster Paperbacks, New York. 2013 p.33

^{vii} Argyris, C. & Schoen, D. *Theory in Practice: Increasing Organizational Effectiveness*, Jossey-Bass Inc., San Francisco, CA. 1974.

^{viii} Wong, L. & Gerras, S.J. *Lying to Ourselves: Dishonesty in the Army Profession*. Strategic Studies Institute: Carlisle, PA. Pg ix

^{ix} Grasse, T.B. *Military Professional Ethics: The Bad News*. Retrieved 20 march 2015 from <https://www.hsdl.org/?view&dod=742270>

^x Snider, D.M. 2014, *A Soldier's Morality, Religion, and our Professional Ethic: Does the Army's Culture Facilitate Integration, Character Development, and Trust in the Profession?* Strategic Studies Institute: Carlisle, PA. p.27

^{xi} Argyris, C. & Schoen, D. *Theory in Practice: Increasing Organizational Effectiveness*, Jossey-Bass Inc., San Francisco, CA. 1974.

^{xii} Joyner, J The U.S. Military's Ethics Crisis. *The National Interest* February 13, 2014.

^{xiii} Davis, W.J. The United States Army: Values Based Organization, but What Values? Utilizing Competing Values Framework to Identify Cultural Incongruence among Field Grade Officers. *Exploring the Professional military Ethic*, Symposium Report, Ft. Leavenworth, KS. P.47

^{xiv} Department of Defense Directive 5500.07-R, The Joint Ethics Regulation

^{xv} Note copied from unpublished paper of Major Intachi, Exec. Order No. 12731 (October 17, 1990). Detailing 14 fundamental principles of ethical service required of each Federal employee:

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- a) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.
 - b) Employees shall not hold financial interests that conflict with the conscientious performance of duty.
 - c) Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
 - d) An employee shall not, except pursuant to such reasonable exceptions as are provided by regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
 - e) Employees shall put forth honest effort in the performance of their duties.
 - f) Employees shall make no unauthorized commitments or promises of any kind purporting to bind the Government.
 - g) Employees shall not use public office for private gain.
 - h) Employees shall act impartially and not give preferential treatment to any private organization or individual.
 - i) Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
 - j) Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
 - k) Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
 - l) Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those such as Federal, State, or local taxes that are imposed by law.
 - m) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
 - n) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order.

^{xvi} 5 C.F.R. Part 2635: Standards of ethical conduct for employees of the executive branch.

^{xvii} Code of Conduct retrieved on 10 March 2015 from <http://www.archives.gov/federal-register/codification/executive-order/10631.html>

^{xviii} Army Values retrieved 10 march 2015 from <http://www.army.mil/values/>

^{xix} Navy Core Values retrieved 10 March 2015 from http://www.navy.mil/navydata/nav_legacy.asp?id=193

^{xx} Burke, M. Fired navy Skippers Often Stay in Service. *Stars and Stripes*. Retrieved 10 March 2015 from <http://www.stripes.com/news/fired-navy-skippers-often-stay-in-service-1.317935>

^{xxi} Army Values retrieved 10 march 2015 from <http://www.army.mil/values/>

^{xxii} M. Mullen, Cultural Changes: What Stays and What Must Go." *Proceedings*. January 2000, pp 28-31.

^{xxiii} Liddel Hart, B.H., *Why Don't We Learn From History?* New York: Hawthorne Books p. 31

^{xxiv} Paolozzi, P. *Closing the Candor Chasm: The missing Element of Army Professionalism*. Strategic Studies Institute: Carlisle, PA.

^{xxv} Schein, E. *Organizational Culture and Leadership 3rd ed.*. Jossey-Bass: San Fransisco, CA. 2004

^{xxvi} Alderman, U.M. Understanding Integrity from the Perspective of Recognized Army Leaders. Dissertation Gonzaga university, 2004. Also these figure prominently in the published values of the Services and in cultural folklore.

^{xxvii} Author's own experience at the conference

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