



By Tyris Foster

Civ-Mil Relations and the Commissioned Officer

Reflecting upon the recent debate surrounding [civ-mil relations](#), I thought deeply about [the oath](#) that every United States commissioned officer takes — one in which we swear that we will “support and defend the Constitution of the United States against all enemies, foreign and domestic...” Thus, the question remained: How does the military actually prepare — and train — its officers to defend a document? If we as members of the Profession of Arms are to remain true to our oath, then we must require our future commissioned officers — military academies, reserve officer training corps (ROTC) programs, and officer candidate schools (OCS) alike — to take a course on the Constitution as a commissioning requirement.

The Constitution & The Oath of Office

[Constitutional requirements differ from officer to enlisted](#). Laid out in our oaths of office, it is important to note that while the enlisted oath requires service members to “obey the orders of the President of the United States and the orders of the officers appointed over

me,” the officer oath ends with the statement “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 upon which I am about to enter.” Within this subtle difference lies the importance of the officer in support of the Constitution — enlisted soldiers obey the orders of officers, but officers bear the responsibility of both issuing, and following, Constitutional orders. Inherent in this responsibility is the importance of an officer that has been educated in the Constitution itself.

Commissioning Sources and Constitution Courses

According to a [2019 Marquette University Law School poll](#), 57% of Americans stated that they have never personally read the entire Constitution, either in school or on their own. It is not far-fetched to imagine that a similar percentage of officers would provide the same response. Herein lies the problem: it is simply not possible for an officer to support and defend something that he or she has no knowledge about. Understanding the Constitution is the most important responsibility of a commissioned officer, yet neither ROTC, OCS, nor the military academies require a course on the Constitution as a requirement for graduating or commissioning. With the plethora of courses offered across the nation’s universities, a Constitution related course can be found to match many types of degree plans. A few examples available include the following:

Law/Legal Studies: Constitutional Law

History/General Studies: Constitutional History

Political Science/Government: Congress and the Constitution

Business/Economics: The US Constitution and the American Economy

Gender Studies: Constitutions and Gender

Philosophy/English: Constitutional Theory and Philosophy

Medical Disciplines: Health Law, Bioethics, and the Constitution

Science/Engineering: Science and Technological Change, and the US Constitution

Ultimately, the key here is that our nation’s future officers have — through a college course on the Constitution — taken time to read, reflect upon, and discuss the very document and idea that they’ve sworn to support and defend. The foundation set at this point in their

professional military education will follow them through their career.

In Search of a Remedy

There are various options available to remedy the issue of Constitution courses not being required prior to a future officer receiving their commission. Some institutions, such as The Citadel, have already [mandated courses that dive into the nation's founding documents](#). However, sufficient change across the military can only come from the top; [the Fiscal Year 2021 National Defense Authorization Act \(NDAA\)](#) mandated that the Secretary of Defense (SECDEF) and Chairman of the Joint Chiefs of Staff must identify and provide “an assessment of the effectiveness and shortfalls of the existing professional military education enterprise.” The lack of a pre-commissioning Constitution course requirement is undoubtedly one such shortfall. The Senate and House of Representatives could come together to include a provision in the next NDAA requiring Constitution courses for future officers prior to commissioning, while the Secretary of Defense could utilize executive powers granted in the Constitution to see an immediate change in the status-quo. Potentially, a hybrid approach may be best. The Secretary of Defense could issue an executive order triggering an update to the [Chairman's Officer Professional Military Education Policy](#), allowing time for the legislative branch to work through the details and establish the policy as law in the next NDAA.

Final Thoughts

The benefits of taking a pre-commissioning Constitution course has ramifications that continue through an officer's career. The ideas and fundamentals learned are not simply rote memorization of articles, amendments, and sections, but instead provide an understanding of the Constitution's role in American society and the military frameworks laid out within. Pre-commissioning Constitution courses should provide officers with *a way of thinking about Constitutional problems*, much as we think about potential actions, reactions, and counteractions while mentally preparing for problems we may encounter on the battlefield. “If the enemy does X, then I will do Y,” can easily be replaced to state “if the President (or Congress, a superior commissioned officer, etc.) orders me to do X, then I — Constitutionally — can and should do Y.” These Constitutional dilemmas, which every officer may one day encounter, can only be answered through early study of the Constitution leading to a lifelong commitment — an endeavor — to better understand the officer's role in supporting and defending [The Constitution of the United States](#).

Commissioning Sources and the Constitution: An Argument for Constitution Courses Becoming a Commissioning Requirement

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