

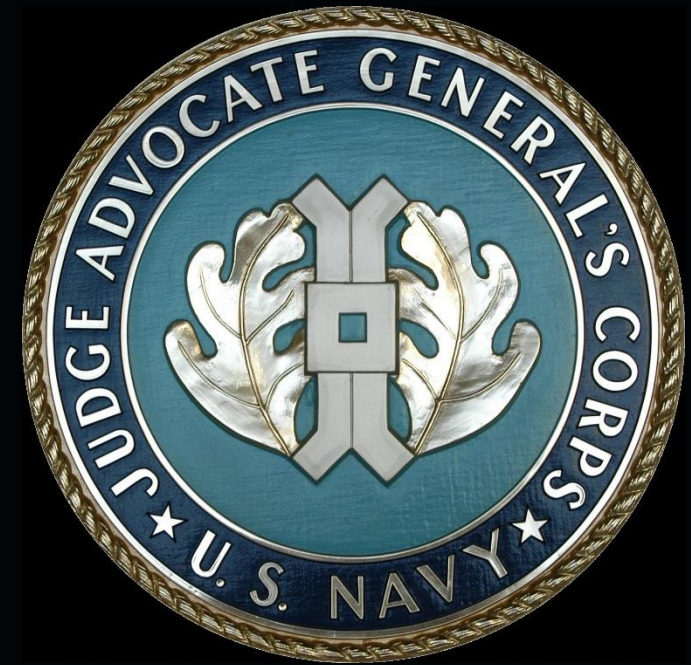
Military questions / topics

What challenges do US soldiers face today?

- ↪ Military Practices and Culture
- ↪ Work/Life Balance
- ↪ Soldier's Own Well-Being
- ↪ Health Care System Problems
- ↪ Relationship Problems

Do US military have constitutional rights?

- JAG
- While military personnel are not excluded from the rights set forth in the Constitution and Bill of Rights, Article I, Section 8, of the Constitution grants Congress the power to make rules for the government and regulation of the land and naval forces.



Do US soldiers have freedom of speech?

- When the U.S. military is a party to cases centering on First Amendment rights to free speech, free press, and free exercise of religion, the Supreme Court generally defers to the government's interest and discretion, permitting the military to restrict the rights of service personnel in ways it does not permit in civilian contexts.
- The Uniform Code of Military Justice prohibits military personnel from using “contemptuous speech” against the President and other leaders, from engaging in “conduct prejudicial to good order and discipline in the Armed Forces,” and from “conduct unbecoming an officer and a gentleman.”
- Also under the code, military personnel can be severely punished—including dismissal, forfeiture of pay, and imprisonment—for participating in rallies that criticize war efforts, even if they are off duty and dressed as civilians, an issue addressed in *United States v. Howe* (1967)
- One of the few areas related to the military in which the Court has, over time, shown its willingness to protect freedom of conscience is in the treatment of conscientious objectors.

Can a soldier disobey an unlawful order?

- Article 92 of the Uniform Code of Military Justice makes it a crime to disobey a lawful military order or regulation. You can be considered to be in violation of Article 92 if you intentionally violate or fail to follow an order.
- any member of the armed force is allowed to refuse a direct order if he/she considers it to be “unlawful” or illegal

Can a soldier refuse to be deployed?

- Terry Larkin, 2010. Refused deployment to Afghanistan because he questioned Obama’s eligibility to be President (“Birther” conspiracy movement). Tried to use the courts to rule on Obama’s legitimacy as president.
 - ↳ Court martialled, guilty, dismissed from the Army, loss of pay and allowances, prison term of six months. Later denied a medical license in Kansas due to is dereliction of duty.

Military and extremist groups

- Pentagon, December 2021: Troops can now be punished for liking/retweeting/posting content from extremist groups
- Troops can still be members of hate groups like the KKK as long as they're not 'active,'. *"Membership alone is not prohibited"* but active participation is.
 - ↳ US Army website: *"Participation in extremist organizations and activities is inconsistent with the responsibilities of military service, and is punishable through the full range of statutory and regulatory sanctions, both criminal (UCMJ), and administrative."*
 - ↳ KKK
 - ↳ Proud Boys
 - ↳ 3 Percenters
 - ↳ Oath Keepers
- Debate: How to reduce extremism in US military ranks?

What military and war powers does Congress have?

- Under Article I, Section 8, Congress has the power to:
 - ↪ declare war
 - ↪ maintain a navy
 - ↪ organize, arm and call forth a militia
 - ↪ grant Letters of Marque and Reprisal (i.e., license private citizens to capture enemy vessels)
 - ↪ raise and support Armies (funding)

War Powers Resolution, 1973

Why can the military powers of the president be described as almost without limit?

- Role as Commander in Chief (decisions without congressional approval)