SECRETARY OF THE ARMY
WASHINGTON

05 APR 2005

MEMORANDUM FOR ALL ARMY PERSONNEL

SUBJECT: COMMITMENT TO FEDERAL ETHICS STANDARDS

This memorandum directs every Soldier and Army civilian employee to review the attached by June 30, 2005: (1) Federal Oath of Office (5 USCS § 3331); (2) the U.S. Army Statutory Requirement of Exemplary Conduct (10 USCS § 3583); and (3) the Principles of Ethical Conduct for Government Officers and Employees (E.O. 12731, 55 FR 42547). Each of us should consciously reaffirm our commitment to compliance with these and with all provisions of the Joint Ethics Regulation (DOD 5500.7-R, including changes 1-4) and to avoid even the slightest appearance of ethical compromise in the performance of our official duties.

Since 1775, Soldiers and Army civilian employees have risked their lives in places near and far, and have made daily sacrifices to protect and defend our way of life. No matter the particular risks and sacrifices demanded from any individual, all of us remain bound together in our mutual commitment to service. Proper regard for this mutual commitment calls each of us to understand and adhere to the highest standards of personal integrity and ethical conduct.

Truly ethical behavior flows from conscience, the will to do what is right and proper regardless of personal cost. In government, we aid the conscience by providing detailed standards of conduct - principles and rules to allay confusion that may arise in performance of our official duties in a large and complex institution. Accordingly, the President has directed our leaders to ensure that all personnel within our federal departments and agencies are familiar with, and faithfully observe, applicable ethics laws and regulations.

All who enter Federal service swear an oath of "true faith and allegiance" to our Constitution. The language of our oath has been designed and prescribed by statute to implicate both the character and purpose of the individual who affirms. For that reason, our oath must never be taken as a mere formality. This oath gives meaning to our collective mission and must be the conscious focus for all that we do. When we stray from this focus for personal gain, for expediency, or for any reason, we betray the trust of our countrymen and we betray ourselves.

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The Army has earned the enduring trust of the American people by our unwavering commitment to the faithful and honorable performance of our official duties. Any shadow of a fault diminishes this record and that of those who have gone before us. We must then, as the President has charged us, "always ask not only what is legal but ask also what is right." Our Army deserves nothing less.

Francis J. Harvey

Enclosures

Federal Oath of Office
5 USCS § 3331 (2004)

§ 3331. Oath of office

An individual, except the President, elected or appointed to an office of honor or profit in the civil service or uniformed services, shall take the following oath: "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; 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 on which I am about to enter. So help me God." This section does not affect other oaths required by law.

U.S. Army Statutory Requirement of Exemplary Conduct
10 USCS § 3583 (2004)

§ 3583. Requirement of exemplary conduct

All commanding officers and others in authority in the Army are required--
(1) to show in themselves a good example of virtue, honor, patriotism, and subordination;
(2) to be vigilant in inspecting the conduct of all persons who are placed under their command;
(3) to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Army, all persons who are guilty of them; and
(4) to take all necessary and proper measures, under the laws, regulations, and customs of the Army, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.

Principles of Ethical Conduct for Government Officers and Employees
E.O. 12731 of October 17, 1990
55 FR 42547
October 19, 1990

EXECUTIVE ORDER 12371 – PRINCIPLES OF ETHICAL CONDUCT FOR GOVERNMENT OFFICERS AND EMPLOYEES

By virtue of the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish fair and exacting standards of ethical conduct for all executive branch employees, it is hereby ordered as follows:

Part I, Section 101- Principles of Ethical Conduct

To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each Federal employee shall respect and adhere to the fundamental principles of ethical service as implemented in regulations promulgated under sections 201and 301 of this order:

(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.