

A short time ago, upon assumption of my current duties, I shared with you my thoughts on the direction I will lead the Navy . . . these thoughts included some general comments on the subject of accountability and responsibility . . . a specific key element which must be understood is the concept of command responsibility.

Command is the cornerstone upon which navies have been built since man first went to sea . . . command is fundamentally a trinity of authority, responsibility, and accountability . . . the great technological advances of our age have not negated the principles embodied in command . . . in fact, the very destructiveness of our new technology makes the principles of command even more applicable.

The old adage states that "authority can be delegated - responsibility cannot." The lethality of modern weapons makes the idea of delegating responsibility and accountability away from the commanding officer even more inconceivable . . . to the contrary, this has made the responsibility of command more absolute than at any time in naval history.

The primacy of this concept of responsibility is well established by regulation as well as by tradition. The very heart of this principle is reflected in Article 0702.1 of Navy Regulations, 1973:

"The responsibility of the commanding officer for his command is *absolute*, except when, and to the extent, relieved there from by competent authority, or as provided otherwise in these regulations. Pertinent also are the provisions of 10 U.S. Code 5947, as restated in Article 1102 of Navy Regulations:

"All commanding officers and others in authority in the naval service are required to show themselves a good example of virtue, honor, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices; and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the naval service, to promote and safe-guard the morale, the physical well-being, and the general

welfare of the officers and enlisted persons under their command or charge."

To fully understand the standard of accountability these regulations impose, it must first be recognized that I am not discussing a standard for measuring the criminal responsibility of a commanding officer . . . that standard belongs to the courts. Under our system of justice, military or civilian, a man's life, liberty, or property may not be jeopardized without establishing, beyond a reasonable doubt, by legally admissible evidence, that he personally violated a specifically charged provision of the applicable criminal code . . . it is not enough to say that he was the master, or commanding officer of a vessel involved in a collision or other incident, or that he failed to execute to perfection his traditional and far-ranging responsibilities. . . since military courts-martial are federal courts and the rules of evidence and procedure followed are basically the same as those found in any other federal criminal court, the rights of an accused, crew member or commanding officer, parallel those enjoyed by any federal court defendant. The determination of criminal responsibility is therefore properly the province of our system of military justice . . . resolution of the issue of criminal responsibility by a legal forum does not, however, resolve the issue of command responsibility as contemplated by U.S. Navy regulations.

The *absolute* responsibility mandated by Navy Regulations necessarily imposes a stricter standard of accountability than the lawyer's "reasonable doubt." It is sometimes, as it must be, a harsh standard which may jeopardize promotions and careers. Sanctions for deviations from this standard may take the form of documented professional shortcomings noted in reports of fitness, and matters thus detailed are taken into account when an individual is considered for assignment or promotion or entrusted with command . . . it may lead to relief for cause because a senior no longer enjoys that special trust and confidence necessary to a relationship with a subordinate commander . . . it may lead to censure, either officially or as a matter of not-of-record for individual and private contemplation . . . what it most certainly will be continually, however, is a test of the strength of character, judgment, and professional ability of every officer in command. The standard remains immutable, guiding all subject to its terms to that final and most satisfying reward of command - knowledge of having measured up to the most demanding of professional disciplines.

In summary, I have restated an ancient message. A commander's responsibility remains absolute, and that commander must, and will, be held accountable for the safety, well-being, and efficiency of his

command. This accountability may be exacted in various ways. In some cases, commanders may be called to account in a court of law . . . in all cases, they will be judged by their professional peers - those who have been subjected to, and exalted by, the same stringent requirements of command. Our country, and every Navy man and woman serving at sea or ashore, has the absolute right to expect that our commanding officers will be the finest, and the most responsible, we can provide. *I intend to make it so.*

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