

# The Black-Letter Law Behind the Silver Spurs: A Judge Advocate's Perspective on Spur Rides

by MAJ Matt D. Montazzoli

*"Things like a spur ride, which are intended to show camaraderie, enhance the profession and recognize the history of the organization – those are not hazing events. The difference is that you aren't doing cruel, abusive, oppressive or harmful activities. That's a very significant difference."* -Raymond F. Chandler III, 14<sup>th</sup> Sergeant Major of the Army<sup>1</sup>

The Army's esprit de corps is rooted in tradition and history. "Very few American institutions have a history as rich or long" as the Army, and the Armor Branch has a particular abundance of storied and treasured traditions via its Cavalry arm.<sup>2</sup> These include the Order of the Spur and the associated "spur ride."<sup>3</sup> A spur ride is a ceremony to mark the induction of new Cavalry troopers into the Order of the Spur, usually involving several days of Cavalry-related tasks, physical challenges and tests of branch or regimental history and knowledge.<sup>4</sup>

This article will examine the interplay between spur rides and the Army's prohibition of hazing, with an eye toward helping Cavalry leaders continue the proud tradition of the Order of the Spur in a way that complies with regulations. This article is not legal advice, and it is not a replacement for the particular advice of an attorney. Leaders should integrate their servicing judge advocate into spur-ride planning at the early stages.



**Figure 1. A spur holder observes spur candidates from 6<sup>th</sup> Squadron, 9<sup>th</sup> Cavalry Regiment, 3<sup>rd</sup> Brigade Combat Team, 1<sup>st</sup> Cavalry Division, executing an obstacle course during the squadron's spur ride Jan. 31. The spur ride consisted of an Army physical-fitness test, an obstacle course, 14 testing lanes and a spur ride designed to test the candidates' Cavalry knowledge. (Photo by CPT Scott Kuhn, 3<sup>rd</sup> Armored Brigade Combat Team, 1<sup>st</sup> Cavalry Division, Fort Hood, TX)**

## 'Earning spurs' tradition

The tradition of American Cavalry troopers "earning spurs" dates back to the late 19<sup>th</sup> Century.<sup>5</sup> After the Civil War, the Army was scattered in small garrisons across the Western Plains conducting frontier constabulary duties.<sup>6</sup> The recruitment and training programs that characterize the modern military did not exist, and many recruits arrived at their units without any initial-entry training. Cavalry units were largely manned with men from urban areas, frequently recent immigrants.<sup>7</sup> Many recruits had never sat a horse.<sup>8</sup> These new men were assigned mounts with

their tails shaved to indicate inexperienced riders, and the unit's officers and noncommissioned officers conducted training and exercises to refine skills in horsemanship, shooting and saber drill.<sup>9</sup> The new "shave tails" were only allowed to employ spurs once they had "earned" them by demonstrating enough mounted proficiency.

A modern spur ride generally consists of multiple days of cavalry tasks and drills. "The Army does not have strict guidelines for how a spur ride is conducted, therefore no two spur rides are exactly the same," writes CPT Scott Kuhn.<sup>10</sup> Some units integrate the spur ride into the unit's training calendar under the auspices of the Excellence in Armor program, while others conduct it as a purely morale-building event. Common features include an Army physical-fitness test; a packing-list layout (and accompanying corrective training for deficiencies); written tests on knowledge, doctrine and history; practical-skills lanes, often including land navigation; an obstacle course; an extended road march; and an oral board. Sleep deprivation, working as part of a team and physical exertion are part of a typical spur candidate's experience.<sup>11</sup> A successful candidate earns the right to wear silver spurs as a symbol that he has "proven to have a level of expertise beyond that of the average cavalrymen."<sup>12</sup>

## **Army vs. hazing**

The Army defines hazing as "[a]ny conduct whereby a service member or members, regardless of service, rank or position, and without proper authority, recklessly or intentionally causes a service member to suffer or be exposed to any activity that is cruel, abusive, humiliating, oppressive, demeaning or harmful. ... It can be verbal or psychological in nature. ... Without outside intervention, hazing conduct typically stops at an identified endpoint."<sup>13</sup>

Bad actors have occasionally corrupted legitimate spur rides or used Cavalry traditions as a cover for hazing.<sup>14</sup> At first glance, a spur ride seems to check many of the boxes for conduct that would constitute hazing: being forced to shout "Fiddler's Green" into the night sky while carrying 35 pounds on an unknown-distance roadmarch seems at the very least humiliating, if not oppressive. Things appear even grimmer when we consider that consent is not a defense to hazing.<sup>15</sup>

A spur ride also stops at an identified endpoint, but that endpoint involves a milestone: the award of a set of shiny, silver spurs. Surely, the fact that the indignity carries with it a reward means it cannot be unlawful? In fact, just because an event represents a milestone does not mean it cannot be hazing, which "may result from any form of initiation, 'rite of passage' or congratulatory act that includes unauthorized conduct."<sup>16</sup>

## **Conducting proper spur ride**

How can a leader plan a unit event that treats all Soldiers with dignity and respect and will not constitute a violation of the Uniform Code of Military Justice? The key concepts that differentiate a spur ride from hazing are proper authority, organization and supervision.

Spur rides do not constitute hazing because they are carried out under proper authority, usually that of a squadron or regimental commander. Proper authority brings spur rides under the umbrella of "time-honored customs of the Army ... traditional events that ... are part of our heritage."<sup>17</sup> Commanders should ensure that spur rides are clearly identified as training events and that the goal of the event is to demonstrate and celebrate Cavalry excellence and pride in the unit and its troopers.

Organization is critical to the success of a spur ride, much like any military operation. When properly organized, traditional events like spur rides "serve to enhance morale, esprit de corps, pride, professionalism and unit cohesiveness."<sup>18</sup> Commanders should use military planning processes such as the Eight-Step Training Model to ensure that spur rides are appropriately organized.<sup>19</sup> The Eight-Step Training Model is a proven method of preparation for units and leaders.<sup>20</sup> The most critical of the eponymous steps for keeping a spur ride on firm legal footing are plan the training; train and certify leaders; and issue an order for the training.

The S-3 or another appropriate action officer should plan the spur ride the same way the unit would plan any other training event.<sup>21</sup> Techniques such as backward planning and detailed preparation ensure that the "back side" of the event receives appropriate attention, and that resources are coordinated and integrated for the training. Incorporating the unit's servicing judge advocate into operational planning and in-progress reviews ensures that the commander and the staff receive the benefit of iterative, informed advice throughout the process. The practice of waiting until spur ride planning is already "halfway down the trail to hell" before requesting a legal

review increases the chances of an attorney identifying problems that may compromise training at the last minute.<sup>22</sup>



**Figure 2. Battle Group Poland begins its first multinational spur ride of the year. Spur candidates from the United Kingdom, Romania, Croatia, Poland and the United States attempt to complete multiple Soldier tasks while cold, tired and hungry to earn their silver spurs in the Calvary-unit rite of passage. The tradition of having to ‘earn your spurs’ reaches back to the beginning of the American Cavalry. When green troopers first arrived at their new cavalry assignments, they were assigned a horse with a shaved tail. This led to the nickname ‘shave tail’ for newly assigned spurless Soldiers. (Photo by U.S. Army SGT Arturo Guzman, 278<sup>th</sup> Armored Cavalry Regiment, Tennessee Army National Guard)**

Training and certification of leaders is also critical to ensuring that a spur ride does not descend into hazing. Spur holders are often the most senior, proficient and respected Cavalrymen in the formation, but many of them may have earned their spurs under circumstances that would conflict with current Army policy. Spur holders should receive a briefing on the Army’s hazing policy, either from a judge advocate or, even better, from a commander or senior noncommissioned leader. The practice of leaders explicitly acknowledging that a rite of passage like a spur ride carries with it an elevated risk of hazing and making it clear that hazing is contrary to the commander’s intent for the spur ride likely decreases the chances that hazing will occur. Just as we would not expect Soldiers to execute a machinegun range without pre-marksanship instruction and completion of crew drills to standard, leaders must train and certify spur holders before executing a spur ride.

The issuance of an order for the training will also enhance organization and reduce the chances of hazing. This can take the form of a standard operations order, complete with synch matrices and appendices, or a less formal concept of operations. Either way, as part of the orders process, the commander should publish a spur-ride memorandum of instruction (MoI) over his signature block or authority line to clearly indicate that the event is conducted under proper authority. This MoI should specifically forbid hazing by limiting spur holders to the approved training plan and clearly communicating that abuse of candidates is far outside of the commander’s intent.

In addition to organization, supervision is key to a successful spur ride. Cavalry leaders must keep in mind that “[h]azing may occur when otherwise authorized or permissible conduct crosses the line into impermissible conduct.”<sup>23</sup> All leaders must “ensure these traditions and customs are carried out in accordance with Army values and that the dignity and respect of all participants is maintained,” and that spur holders stay within authorized limits.<sup>24</sup> This can be achieved by ensuring the appropriate density of cadre to candidates, by ensuring leaders are distributed across the groups of candidates, and by quickly making on-the-spot corrections if behavior veers out of bounds. Even troopers in a candidate status must feel safe and empowered enough to object to content that violates policy or the spur-ride MOI.

Mounted Soldiers carry with them a proud and storied history, and the tradition of the spur ride can do a great deal to indoctrinate and operationalize that lineage. Cavalry leaders do not need a law degree to carry out a spur ride – common sense, leadership and a commitment to treating other Cavalrymen with dignity and respect will ensure a meaningful and appropriate event.

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## Notes

<sup>1</sup> Jennifer Mattson, “Senior Leaders Combat Hazing,” *NCO Journal*, Sept. 5, 2012, [https://www.army.mil/article/86713/senior\\_leaders\\_combat\\_hazing](https://www.army.mil/article/86713/senior_leaders_combat_hazing).

<sup>2</sup> Army Doctrinal Publication 1-0, *The Army*, September 2012.

<sup>3</sup> Technical Circular 7-22.7, *Noncommissioned Officer Guide*, April 7, 2015, defines tradition as “a customary pattern of thought, action and behavior held by an identifiable group of people” and recognizes Cavalry spurs as an official unit tradition alongside airborne units’ maroon berets.

<sup>4</sup> U.S. Army Center of Military History, *The Army of the US Historical Sketches of Staff and Line with Portraits of Generals-in-Chief*, 1895, <https://history.army.mil/books/R&H/R&H-Esprit.htm>: “These legends and traditions attached to regiments that have won a name are handed down from generation to generation, and every youngster joining has to study them up and pass his ‘quizzing’ on any and all material points, or he is no true soldier.”

<sup>5</sup> Department of Army, *Regulations for the Uniform and Dress of the Army of the United States*, authorizes “spurs, yellow metal” for officers, noncommissioned officers, buglers and “privates of dragoons.”

<sup>6</sup> Mary Lee Stubbs and Stanley R. Connor, *Army Lineage Series, Armor-Cavalry Part I: Regular Army and Army Reserve*, 1969, <https://history.army.mil/books/Lineage/arcav/arcav.htm>: “Among the peacetime problems the Army helped solve, those occurring in the Great Plains and the Far West most needed the services of the mounted arm. By 1868 the bulk of the cavalry was in the west.”

<sup>7</sup> Robert M. Utley, *Frontier Regulars: The United States Army and the Indian 1866-1891*, 1973.

<sup>8</sup> S.L.A. Marshall, *Crimsoned Prairie*, 1972: “Many of the green rifle replacements had never been in the saddle before.”

<sup>9</sup> See <https://www.cavhooah.com/info/cavalry-traditions/spurs/>.

<sup>10</sup> CPT Scott Kuhn, “Spur Holders Key to Successful Spur Ride,” *Fort Hood Sentinel*, Feb. 8, 2018, [http://www.forthoodsentinel.com/news/spur-holders-key-to-successful-spur-ride/article\\_20021c94-0c3c-11e8-a8dd-f340d4498ad4.html](http://www.forthoodsentinel.com/news/spur-holders-key-to-successful-spur-ride/article_20021c94-0c3c-11e8-a8dd-f340d4498ad4.html).

<sup>11</sup> SGT James Bunn, “Cavalry Spur Ride Brings Soldiers Together,” *Army.mil*, July 8, 2013, [https://www.army.mil/article/107088/cavalry\\_spur\\_ride\\_brings\\_soldiers\\_together](https://www.army.mil/article/107088/cavalry_spur_ride_brings_soldiers_together): “Operating with little to no sleep, four-man

teams of spur candidates navigated through six stations where they demonstrated their knowledge of weapons, land navigation and medical evacuation. They event ended with a 12-mile foot march.”

<sup>12</sup> Ibid.

<sup>13</sup> Army Regulation 600-20, *Army Command Policy*.

<sup>14</sup> John Vandiver, “17 Leaders from Guard Company in Kosovo Removed Amid Investigation of Abuses,” *Stars and Stripes*, Feb. 23, 2012, <https://www.stripes.com/news/17-leaders-from-guard-company-in-kosovo-removed-amid-investigation-of-abuses-1.169604>. The Cavalry troop’s “problems stemmed from excessive physical demands on soldiers in an attempt to initiate them into the unit.”

<sup>15</sup> AR 600-20.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> MAJ Matthew R. Little, “The Eight-Step Training Model,” *Engineer*, January-April 2012.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Of note, the traditional spur dinner and other social events associated with the training should be voluntary and organized by a non-federal entity (NFE), such as a spur holders’ committee. Spur candidates who participate in the spur-ride training may not be compelled to participate in the NFE’s spur dinner. While the committee may be made up primarily of personnel from the squadron, those personnel will participate in the NFE in their personal capacities and should not conduct their NFE duties during duty hours or using government resources. A judge advocate can provide advice on interactions between the unit and the NFE, to include arranging for limited logistical support such as color guards and audiovisual equipment, as well as permissible fundraising by the NFE in the unit area and among unit members. Because fundraising policies in particular vary enormously by installation, interactions with spur-related NFEs are beyond the scope of this article.

<sup>23</sup> AR 600-20.

<sup>24</sup> Ibid.

## Acronym Quick-Scan

**BCT** – brigade combat team

**Moi** – memorandum of instruction



**Figure 3.** Spur candidates from 6<sup>th</sup> Squadron, 9<sup>th</sup> Cavalry Regiment, 3<sup>rd</sup> Armored Brigade Combat Team, 1<sup>st</sup> Cavalry Division, complete a call-for-fire exercise during the squadron’s spur ride Jan 31. (Photo by CPT Scott Kuhn, 3<sup>rd</sup> Armored Brigade Combat Team, 1<sup>st</sup> Cavalry Division, Fort Hood)