

# ANGER AND FRUSTRATION: A RECIPE FOR UNETHICAL BEHAVIOR

**Situation:** During OIF, my battalion was operating in the Salah a Din Province. The majority of daily operations were conducted at company level or below. After about 9 months of combat operations, many in the ranks suffered from the fatigue and frustration often associated with combat. As with most operations, we had standard operating procedures (SOPs) that governed search and evidence procedures. This situation will focus on SOPs, circumstances and whether they were handled appropriately from a leadership perspective.

Two platoons, along with the company commander, were conducting a tactical movement to a town within the company's area of operation. The mission was simple: to conduct a search of the town council building. While moving along the mains supply route, the lead platoon was engaged by an IED that catastrophically damaged the lead HMMWV. Fortunately, no Soldiers were seriously injured. Following the blast, the platoon, accompanied by the company commander secured the immediate area and conducted a search of a house they suspected may have been used by the triggerman. The house was occupied by a middle-aged Iraqi man who denied any wrong doing. The search of his house and yard yielded no contraband or IED materials.

The company commander was angry with the results of the search and he wanted to ensure the Iraqi man would be held responsible for the IED blast. Though no contraband was found, the unit brought the man in for questioning. After questioning the Iraqi man, the platoons, along with the commander returned him to his house and proceeded to conduct another search. Following the search, one of the platoons produced some wire, an AK 47 and excessive amounts of ammunition. The Iraqi male was transported back to the forward operating base, processed and placed in the detention holding area for future transport to the brigade headquarters. All in all, good work by the unit and the company commander. The detainee packet was very thorough, complete with photos, statements, etc.

A few hours later, a member of our S2 section and one of the translators came to see me in my office and reported that the detainee was adamant the contraband (wire, weapon and ammo) was planted in his house by members of the platoon. Although it was not uncommon for detainees to lie, the gut feeling from the translator and Intelligence officer (S2) raised questions and warranted further investigation.

I told the S2 to investigate the incident. The next day, much to my displeasure, I was informed that the company commander ordered a few of his Soldiers to plant the evidence, take pictures and proceed with the detention. How should I handle this?

## REFLECTION...

After a tough nine months, I understood the anger and frustration that result from a search yielding nothing. I also understood the anger and emotions that surface when a platoon encounters an IED blast, this company had experienced many. The company commander was a proven leader and who performed well for over. It would have been easy to do nothing. However, it was clear that the Soldiers were aware of what happened. The company commander did not come forward. I wrestled with the outcome of doing nothing. Would doing nothing create a license to do other unethical or immoral actions? Would this create a lack of trust between the leaders and the Soldiers or worst yet, send a message to the troops that it would be OK to disregard SOPs and the rules of engagement?.

I saw three courses of action. First: have the detainee returned to his home and do nothing. Second: process the detainee simply to save face within the unit. Third: counsel the commander and return the detainee. I did not want to stifle the initiative of the commander or the aggressiveness of the company. Many factors had to be measured--morale, cohesion, emotions etc. However, the "cowboy" behavior represented by this incident can become a virus in the unit. I also considered how the Iraqis might interpret whatever action I took.

After thoroughly investigating the matter and leveraging the help of my SJA, S3 and CSM, I gave the company commander a letter of reprimand and reminded him of his moral and ethical duties as a leader. We discussed the importance of integrity and that he owed his platoon leaders and Soldiers a better example. The unit was openly advised that this was not acceptable behavior.

Ethical Dilemma at the time of the Incident: I had to decide how to deal with a subordinate commander who committed criminal and unethical acts while maintaining discipline and moral. I saw four choices: 1) do nothing, just let it slide, 2) relieve the commander and press for a full court-martial, 3) Reprimand the commander quietly, and 4) Reprimand him openly and counsel the entire unit that this is not acceptable behavior.

Rules/Laws That Apply: What happened was against the Uniform Code of Military Justice, Rules of Engagement, Geneva Convention guidelines, and Standard Operating Procedures.

At What Point Did You Say "Enough is Enough"? When And How Did You Take Action? I knew right away that planting evidence was wrong and that something had to be done. I consulted my S3, CSM, and SJA and decided to bring the matter out into the open as a learning point for the entire battalion without sacrificing a previously outstanding junior commander.

Conflict or Tension of the 7 Army Values? How Did You Resolve Those Conflicts? The conflict was between concern for moral and esprit de corps versus integrity. To me integrity cannot be violated. I had to uphold the law and enforce discipline but do so in a way to maintain morale and try and salvage/rehabilitate a good officer gone astray.

Consideration of Other COAs and the 2nd and 3rd Order Effects. None of the other COAs would allow me to address all the issues I faced. Doing nothing would be a violation of laws and ethics, a quiet reprimand would not get the message out that this was unacceptable behavior, and a full court-martial would severely disrupt operations, lower morale, and ruin the career of an officer I felt was worth and capable of salvaging.

How Did You Get the Courage To Do the Harder Right? The courage to do what I felt to be right came from personal conviction but was aided and reinforced by consulting with my CSM, S3 and SJA who all had the same convictions. At the end of day, the direct counseling seemed the right thing to do. About a year or so later, the same commander, now a Major, deployed again to Iraq and shared with me in an email that the lesson he learned regarding integrity and doing the right thing as a leader was a lesson that he still carries with him today.