

CAUGHT IN THE ACT

Situation: While I was serving in Iraq as a company commander, the Army tightened its restrictions on fraternization. Male and female Soldiers were no longer allowed to visit one another in their quarters. The battalion commander, LTC Heil, had briefed all of the company commanders on the changes to General Order #1 saying, "Guys, this is yet another thing that will get me in serious trouble...and if I am in serious trouble because of one of your Soldiers screwing around, you can be sure as hell you know where you'll stand."

During my nightly stroll through my company area, I would typically see Soldiers hanging out around some benches in a common area between two of our tents, but on one such evening the common area was deserted. I figured that my Soldiers must be in the adjacent tent as I could hear a movie playing from inside. However, upon entering the tent, I saw that it was empty with the exception of two Soldiers sleeping together in a bed in an obviously compromising position. I woke the Soldiers up and saw that it was one of my Soldiers and a nurse from the care facility – a lieutenant. Adding to the growing list of concerns in my head was the fact that this Soldier was married. In that instant, I had witnessed adultery, fraternization, and a violation of the General Order #1.

After an uncomfortable few seconds, I told them both to get up and get dressed. I told her to get lost. I let my Soldier know that I would speak to him in a couple hours after I had thought through the situation. It became clear to me that this issue must be dealt with quickly. Other Soldiers certainly knew what was going on so if I did not uphold the standard now, I would have a huge discipline problem on my hands. I decided to take the issue to LTC Heil. After telling him about my concerns, he indicated that he was content that I had done enough and that I should counsel my Soldier about General Order #1 and put it in his file. He seemed disinterested in the issues of adultery and fraternization. I got the feeling that the boss did not want to do anything else because it would require reporting the event to higher headquarters. The last thing he wanted was more negative attention.

Somewhat confused, I approached MAJ Gaffney, the operations officer, to see his take on the situation. After listening to the facts, he let me know that LTC Heil had just gotten lit up by the Brigade Commander because of the battalion's maintenance status. Now, my commander did not want another bad slide to show up in tomorrow's daily briefing to the brigade commander thus giving him more ammunition. MAJ Gaffney ended by saying, "That's my take on it. You might really bring some heat on the BC by forcing the issue. You'll probably get a little heat yourself for running that little brothel." Thanks for the encouragement, I thought. As I was leaving, he added, "Hey, tough guy...you are wearing green leadership tabs, just like the boss. I am not. You need to command, I just provide advice. You gotta do what's right."

The easiest thing for me to have done would be to walk away, counsel the Soldier and say nothing more. In my mind is was that or go against LTC Heil's wishes and push the issue. What is more important, the battalion's standing within the brigade or my sense of justice?

REFLECTION...

I thought over MAJ Gaffney's advice and weighed it against what I knew to be morally, legally and ethically right. I decided to go back to LTC Heil and inform him that unless he was going to reserve the right to persecute this offense, I was going to initiate a court martial. In less than pleasant terms, LTC Heil told me that I was a troublemaker. He said, "Do whatever the hell your self-righteous heart tells you to do. Just don't come crying to me when your officer evaluation report (OER) from brigade is a notch or two below all the other commanders in the battalion. You're a good man, but think how it looks to the Brigade Commander to have 30 company commanders in the brigade and only one with an adultery problem. I am not trying to influence you; I am simply giving you some wise council. Oh...and don't think that you're the only one with this type of problem. It's just that other guys are finding more creative ways of dealing with it rather than throwing their Soldiers to the wolves."

Despite LTC Heil's very strong "advice," I decided to pursue the issue because I felt that it was the right thing to do and that discipline would be undermined if I did not. In the end the Soldier lost some rank and stayed in the Army after transferring to another unit. My next OER was not negative but it was far from stellar. It did not say anything about the "brothel." However, reading between the lines I felt like I was being punished for keeping good law and order in my unit.

Ethical Dilemma at the Time of the Incident: I had a legal, moral, and ethical obligation to deal with the violation in my unit. There are a range of options available to a commander. I knew that I had to do something and LTC Heil's inclination to do nothing would lead to major problems in the future. However, by airing my dirty laundry I could draw more negative attention to the battalion resulting in worse missions and more scrutiny. This could also cause unit moral and discipline to plummet. Either way, the unit stood to suffer.

Rules/Laws that Apply: What made this event particularly tough was my commander's borderline "undue command influence" (UCI). As a leader and especially a commander, it can be very difficult avoiding UCI, yet it often pops up during an investigation. It just so happened that my commander was trying to influence the way I would prosecute this violation. It would have been perfectly legal for LTC Heil to reserve the case for his own legal action, but trying to influence the way I would act was over the top / out of control.

Conflict or Tension of the 7 Army Values and How I Resolved It: The value that comes up so often in ethical dilemmas is loyalty. I have many loyalties: to my Soldier, to the rest of the unit, to my battalion, to the commander, and to the Army, and to my own convictions. In this instance, they were all in conflict. I felt like LTC Heil was trying to elevate loyalty to the unit above the law and above my convictions and ultimately this is what made me stick to what I knew to be right.

Consideration of Other COAs and the 2nd and 3rd Order Effects: Every Soldier is an integral part of a team regardless of rank or duty position. Disciplining a Soldier often implies breaking up a team. Although you never want to be solely dependent on one person for the success of the unit, inevitably a few personalities rise to top and become the linchpins of a strong unit. What if this Soldier were one of those linchpins? What if disciplining him might tear the very fabric of the unit morale?

How did you get the courage to do the harder right? It is true that this same situation was happening elsewhere in the battalion. It is frustrating that things do not always turn out like they should. Guys that uphold the law and try to administer it in a fair and equitable way should be rewarded, not punished. However, at the end of the day, I can sleep well knowing that I did my part. Was it worth it? For me, yes. I get to live with my integrity intact.