

COMPROMISE INTEGRITY FOR POPULARITY

Situation: At the Defense Language Institute (DLI), officers and junior enlisted are put in the same small group class of about ten to fifteen personnel. All the Services are mixed together as well. While students are encouraged to talk to each other in the language of instruction as if equals in class, there are very strict rules regarding fraternization out of class. DLI is located in Monterey, California and most students of all ranks frequent the many bars and restaurants in the area. There are no distinct officer and enlisted hangouts. I was a company commander at DLI. I had about 320 Soldiers including about 80 officers. One captain under my command was taking Arabic and there were several Air Force junior enlisted females in his small group. The captain's wife recently had their second child and flew home with the children for two weeks. While his family was away, he went to a local restaurant for dinner where he saw a group of enlisted Soldiers and Airmen from his class. He joined them and bought them drinks. After some time he left and about the same time so did several female Airmen.

The next day a female Airman went to her barracks driving a BMW. Her roommate asked her where she got the BMW to which she replied, "it belonged to her new boyfriend", an Army captain. She bragged about spending the night at his place and he lent her his car to get back to the barracks. The Airman would not say who the captain was but her roommate assumed it was the Army captain in her class, there was only one. The roommate reported the fraternization to her Air Force chain of command and soon the Army chain of command was involved. The Battalion Commander asked me to conduct an informal inquiry which I did. When the captain gave his story it sounded innocent enough. He said he did see a group of Airmen at the restaurant and had a round of drinks sent to their table. He denied sitting and drinking with them. He said he was with an old friend and they sat separately. When he went to leave he noticed two of the female Airmen trying to get a ride back to the barracks. The women didn't want to ride with their friends because they had been drinking, so the captain lent them his car so they would be safe while he and his friend took a cab home. When asked why he didn't get the Airmen a cab he said he hadn't thought of that. He also did not want to identify his "friend." When the Airman who borrowed the car was questioned she gave a different story than the one she gave her roommate. She said the captain was a few tables away from her and her friends. She saw he had too much to drink so she offered to drive him home and he let her take his car back to the barracks.

After hearing his story I was sure of two things. First, he was lying and second, he could get away with it if I just accepted his story. It was his word against the Airman's roommate. While the story by the Airman who had his car and his story didn't match exactly they would work it out before any formal inquiry. What should I do?

REFLECTION...

If I let him walk out of my office and simply report to the BN CDR his story, that probably would have been the end of it. This bothered me for several reasons. First, fraternization is a serious offense and to make things worse he may have cheated on his wife. Second, there were rumors there was a hot tub party at an Army officer's house and I now believed it was at this captain's house since I knew he had a hot tub. Third, there was a perception among the junior enlisted that only they get "busted" for fraternization while officers get away with it.

I knew I could get the truth if I wanted to but was it really my place to do so? If I pursued the issue it could ruin his career, give a black eye to the unit and would likely devastate his wife and family. If I didn't I would be violating my own principles. Many enlisted Soldiers and NCOs would see it as another case of an officer covering for a fellow officer; how would this affect discipline and morale? I only had a minute or so to decide what to do but it seemed like an hour as I wrestled with what to do in my mind. I couldn't just let the issue get swept under the carpet.

I asked the captain if he was willing to sign a sworn statement. He was surprised but felt compelled to agree. I had him put his story on a sworn statement form. Before he signed it I asked him if the statement was completely true and accurate which he affirmed. I then said he should add to his statement that he would be willing to take a polygraph because it would look good. He hesitated so I said, "No one is saying you have to take a polygraph. But this is the truth so you could easily pass a polygraph if you did, right?" He assured me his story was true and added the statement. I took the sworn statement to the BN CDR, told him I felt the captain was lying and that I could have a polygraph team come from Ft. Lewis in two days. The BN CDR agreed to have me ask the captain to take the polygraph; he was however not under any obligation to take it. I scheduled the test and informed my Soldier. He agreed to take it proclaiming his innocence. On the day of the test the captain came to my office rather than his appointment with the polygraphist. He said he couldn't take the test because he had lied on his sworn statement. He then told me a very different story. He admitted drinking with the group of male and female Airmen and that he asked them to come to his house for a hot tub party. He said several slept at his house because they were too drunk to drive home but he slept in his room alone. He said he thinks some Airmen skinny-dipped in his hot tub but he didn't see them as he went to bed early. He woke up the next morning and let a female Airmen borrow his car to get back to the barracks. We discussed how his actions were a serious violation of Army Regulations not to mention Army values and personal ethics. When I asked him why he did this he said he was tired of being seen as the old man in his class, he wanted to be popular among the troops.

I asked for a General letter of reprimand, the BN CDR wanted a court-martial.

Ethical Dilemma at the time of the Incident: Alleged integrity (lying about what happened) and fraternization violations, should I let someone else pursue the matter or pursue it myself on principles?

Rules/Laws That Apply: Lying to a commissioned officer and on a sworn statement, fraternization, conduct unbecoming, and violating the Uniformed Code of Military Justice.

At What Point Did You Say "Enough is Enough"? When And How Did You Take Action? I knew before the captain finished his story that I had to pursue the matter further so I decided to give him some rope and see if he would come clean or hang himself. I may have manipulated him into accepting the polygraph but I was trying to get him to come clean.

Conflict or Tension of the 7 Army Values? How Did You Resolve Those Conflicts? The captain received a General Letter of Reprimand by the Installation commander and he had to write a letter of apology to all the members of his class. The captain was on the promotion list for major and the Installation commander did not inform HRC of the letter of reprimand to allow him to make major. The captain was a prior enlisted and had nearly 15 years of service at the time of the incident. The commander knew that once the letter reached his file it would prevent him from progressing past the rank of major but that he could finish his career at twenty years and retire. He had compassion for the Soldier and his wife and family. I ran across that Soldier a few years later. He was a major and was finishing Command and General Staff College and going to his next assignment. He said it would be his last assignment before he retired. He and his wife were still together. I thought he would be angry with me and blame me for what happened, but he never did. He never displayed a single sign of resentment toward me. He confided in me that he was totally responsible for what happened and he thanked me for disagreeing with the BN CDR in recommending the letter of reprimand and not a court-martial.

Consideration of Other COAs and the 2nd and 3rd Order Effects. To do nothing would violate my duty to the Army, my principles and would have had adverse effects on Soldier morale and discipline.

How Did You Get the Courage To Do the Harder Right? I hated seeing a previously outstanding officer screw up and have his career end the way it did but my conscious is clear. I could not compromise my integrity just because a fellow officer compromised his.