

HIGHWAY ROBBERY – JUSTICE OR UNIT MORALE?

Situation: I had just taken command of my company two months into our deployment to Iraq. The outgoing commander had reached his 18 month-mark, and it was time for him to move on. When I took command, my company was assigned battle space in a hotly contested area in western Baghdad. In the early days of my command, my unit moved several times throughout the brigade's area of operation; sometimes staying in place for only a few weeks. I was assigned missions ranging from traffic control points (TCP) to long range patrols. In the latter stages of our deployment, we found ourselves stationary conducting area security in a large area of operations. I truly believed that my unit was one of the best in my battalion. My commander always told me and my men, "You guys are doing an awesome job!" One evening, late in our deployment, one of my platoon leaders approached me about a potential issue. He had just paid a visit to his platoon sergeant's room on the forward operating base (FOB) and discovered he had approximately \$10,000 dollars on his bed. The lieutenant inquired about the money, to which his platoon sergeant quickly replied, "We captured this at a traffic control point today." Feeling somewhat misled, my lieutenant asked about the money which should have accompanied the detainees. His platoon sergeant replied that they decided not to detain the people at the TCP and only kept the cash because it looked suspicious. Upon hearing this story from my lieutenant, I immediately took control of the money and reported the incident to the battalion commander. Within a few hours, rumors began to fly around the company and battalion that one of my platoon sergeants and other Soldiers had been conducting 'highway robbery' during TCP operations for some time and had accumulated several thousand dollars. I contacted the Military Police Investigation unit on my FOB and requested assistance. Based on their advice, Criminal Investigation Detachment (CID) took on the investigation. CID spent considerable resources investigating allegations against the platoon sergeant and other Soldiers. Because no victims could be identified, CID was having difficulty proving claims made by several Soldiers against the platoon sergeant for any wrong doing.

Due to the severity of the situation, the investigation dragged on for nearly two months. Meanwhile, my company still conducted operations on a daily basis. Morale began to plummet in the company and especially within the platoon being investigated. In my heart, I knew my platoon sergeant had been conducting illegal activities; he had a history of shady dealings. CID agents conferred with my battalion commander and me on several occasions asking for more time to 'break' the suspects through questioning. After two months of investigation, the CID agents approached me with the preliminary findings of their investigation. They told me that they could not prove any of the allegations against the platoon sergeant and the other Soldiers. The CID agents asked for a third extension on the investigation. I was torn. Should I continue the investigation knowing the probable outcome or terminate the investigation to save my units morale?

REFLECTION...

The entire incident took a great toll on my company and divided the platoon under investigation. The platoon quickly became combat ineffective and was used solely for FOB security until the completion of the investigation. The Staff Sergeant who took responsibility for the platoon worked diligently with the platoon leader to keep the morale of the platoon up throughout the investigation, but both were overwhelmed by the events that transpired. On reflection, the platoon leader stated that he could see how the platoon sergeant was getting away with the robberies; he would only use Soldiers whom he could trust and never went on patrols with his platoon leader, choosing to keep distance between them. In the end, I conferred with the battalion commander and decided that the morale of the unit was more important than continuing the investigation because it was unlikely to yield any better results. The investigation was terminated after two months of questioning. No charges were filed and no victims ever came forward to file a claim against the unit.

Ethical Dilemma at the Time of the Incident: Should I have allowed CID to continue to investigate the allegations against my platoon sergeant knowing they probably would not achieve good results at the cost of my unit's morale.

Rules/Laws That Apply: UCMJ, Geneva Convention and Rules of Engagement.

At What Point Did You Say "Enough is Enough"? When And How Did You Take Action? Late one night a Soldier came to me with tears in his eyes after being questioned by the CID agents. The agent had chastised him and called him a "killer" because of the actions of his platoon and his reluctance to give information. The Agent explained that he was responsible for the death of a Soldier killed in a helicopter crash. I knew this Soldier was not involved; he was my driver. I felt the CID agents were on the ropes and acting desperately to find guilt.

Conflict or Tension of the 7 Army Values? How Did You Resolve Those Conflicts? The morale of my company was crushed. Neither I nor the CID agents had any way of proving the allegations against my platoon sergeant. If we allowed the investigation to continue, it would likely tear the remaining fabric of the company beyond repair and lead to no indictment of the platoon sergeant. In the end, I had to weight my loyalty to my men against my desire to see justice prevail.

Consideration of Other COAs and the 2nd and 3rd Order Effects. While conferring with my battalion commander, we discussed, in detail, what it would mean if we continued the investigation. The CID agents had seriously torn a rift in the platoon through aggressive questioning and playing Soldiers against each other. Additionally, the guys under investigation were not pulling their weight in operations. A continued investigation would only prolong the rift within the platoon and company. I am not sure if continuing the investigation would have finally broken that last Soldier and gotten him to confess to any allegations. In the end, he and the platoon sergeant had been ostracized from the platoon, and I was required to move them to a different unit.

How Did You Get the Courage To Do the Harder Right? The platoon sergeant had a history of aggressiveness toward his Soldiers; at one point he told a Soldier he did not care, that he should take his rifle and shoot himself. So when the incident came to light, it was not difficult to suspect unethical actions.

How did you process or judge this was an ethical dilemma? If I completely discounted unit morale, continuing the investigation was the obvious choice. However, I could not allow the unit to continue to spiral out of control; we still had a mission to accomplish.

How did you get the courage to do the harder right? Watching the morale slip away from my men and see them go from a tenacious, well organized unit to a combat ineffective one was enough.