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INFLUENCE

The Command Sergeant Major and Unlawful Command Influence

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Abstract

The purpose of this paper is to provide information to the future Command Sergeant Major regarding unlawful command influence and its effects. Many Command Sergeants Major face the dilemma of what they can and cannot say as it relates to judicial matters. Being informed is the best tool for avoiding problems in this area. This paper will examine how the Command Sergeant Major can better avoid creating situations or perceptions of unlawful command influence. Further, a recommendation is provided to improve awareness and training of individuals within units.

The Command Sergeant Major and Unlawful Command Influence

Introduction

Army Command Sergeants Major and their sister service equivalents cast wide and heavy shadows in various organizations. Their respective spans of influence are often greater and vastly farther reaching than that of the unit Commander. This is a historically overlooked fact as it relates to unlawful command influence with regard to matters of the Uniform Code of Military Justice (UCMJ). With few exceptions, the Command Team (consisting of the unit Commander and Command Sergeant Major) are thought of as “One Voice, One Mind and One Entity”.

The Problem

Therein lies the problem Command Sergeants Major and First Sergeants, to a lesser extent, face. Throughout our respective experiences as Noncommissioned Officers, we have enjoyed relative freedom to express our opinions about a wide variety of issues as we coach, teach and mentor our subordinate leaders. We often step in, with memorable color and venom, to bring clarity to habitually ambiguous guidance in ways only the Noncommissioned Officer can. Great Commanders regularly use their Command Sergeants Major to bridge the gap between themselves and their soldiers. As Command Sergeants Major, your span of influence only grows after your first battalion experience. With every breath, you touch seven hundred or more minds.

Most of us have seen the movie “We Were Soldiers.....” (Randall Wallace, 2002) There is a scene in the movie where LTC Hal Moore’s character, as played by Mel Gibson, gives his leadership philosophy to his subordinate leaders. He has his battalion Sergeant Major at his side and says, “Sergeant Major Plumley and I come from the paratroopers -- where the officer is

always the first one out of the plane; because to follow your instincts and to inspire your men, by your example, you have to be with 'em -- where the metal meets the meat. Sergeant Major Plumley made all four combat jumps in the 82nd Airborne during World War II -- Sicily, Salerno, Normandy, and Holland, plus one more in Korea. He answers to me and to me alone.” He answers to me and to me alone.....can the impression of one voice, one mind and one entity be any clearer?

That kind of command team relationship did not start with that speech, but is one of the more memorable examples that most of us can recall. We can easily relate to it and hopefully have personally seen or experienced numerous examples of this type of Commander and Command Sergeants Major relationship. One voice, one mind and one entity goes a step farther when it comes to unlawful command influence. Under the provisions of Article 37(a), UCMJ, “No [convening] authority . . . nor any other commanding officer, may censure, reprimand, or admonish the court or any member, military judge or counsel . . . [regarding] the findings or sentence adjudged by the court, or with respect to any other exercises of its or his functions No person subject to [the UCMJ] may attempt to coerce or, by any unauthorized means, influence the action of a court-martial . . . or any member thereof, in reaching the findings or sentence in any case” (UCMJ, 2005).

Another way of looking at this language is that Commanders and Command Sergeants Major must look at judicial matters differently than that of operational issues. In matters of justice, discretion and individual treatment of every case must be paramount to the Command Team. Use of your position to expound on your personal views about certain types of misconduct or what you will have zero tolerance for can damage the judicial process and undermine any good intentions you may have had when your language or policy letters took life

and got a sentence reduced. Or in a worst-case scenario, get a court action or sentence wholly set aside and a criminal walks.

In another memorable event, the conviction and sentence of a former soldier for the murder of one and the shooting of other soldiers waiting to conduct physical training at Fort Bragg, North Carolina. As a result of the Command Environment of Fort Bragg and some other considerations, the death sentence was thrown out and the case is being reheard. Imagine the effect this is having on the survivors and on unit moral or discipline.

As future Command Sergeants Major, we must take care in how we use our vast influence in our organizations and how everything we say is viewed as if it came from the Commander. Our zeal for justice, internal moral/ethical conflicts and good intentions can result in the loss of a very important case or judicial outcome. Keeping to mind that our voice is that of the Commander only makes our scope of influence broader and opens us to a new level of scrutiny as it pertains to judicial matters.

Conclusion

There are many ways to coach, teach, and mentor our subordinates. Take care and analyze your respective approaches in your new role as a Command Sergeant Major and the power you actually have. Having a better understanding of how you can legally and ethically exercise your authority as a Command Sergeant Major will help you avoid legal pitfalls while keeping your intent intact. Your unit legal advisor can assist you in this area by providing training to every leader in your organization and make them better senior leader in the future.

References

Wallace, Randall (Producer). (2002). *We Were Soldiers* [DVD]. United States: Icon Entertainment International.

Department of Defense (2005). UCMJ, Article 37(a).