

**Perceptions of Unequal Punishments**

**By**

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## Perceptions of Unequal Punishments

It becomes a difficult question to answer why senior public leaders do not receive the same punishment as other leaders for the same infractions. When Senior Officers and Senior Noncommissioned Officers at the Strategic level get into trouble, there is a belief that these leaders don't receive the same punishment as leaders at the Organizational or Direct level of leadership. This perception tears down the cohesiveness of the military and creates a level of unequal punishment or double standard. Several aspects create the illusion of unequal punishment. These aspects are past senior leader incidents, perceptions formulated within the ranks, and the impact those perceptions have on the military.

There are several examples of senior leader incidents involving poor ethical decisions. Each leader received punishment for their actions, but the perception becomes that their punishment wasn't as severe as it has been for other leaders. In October 1997, Sergeant Major of the Army Gene McKinney faced sexual harassment charges and he was relieved of his duties. Major General John Maher went to Court Martial in November 1999 for engaging in improper sexual relationships with the wives of two officers under his command for seven years. The Command Sergeant Major of the United States Army Europe, CSM Riley Miller, was preferred charges for several allegations of sexual misconduct and was relieved of his position in September 1999. One most recent situation involved General Kevin P. Byrnes and alleged sexual misconduct. Army Chief of Staff, General Peter Schoomaker, relieved him of his duties. The appearance may be that these public senior leaders received fair and just punishment. SMA McKinney was acquitted of all sexual harassment charges, but was convicted of obstruction of justice, and received a reduction in grade to E-8 and a reprimand. Major General John Maher received a demotion to colonel and paid a fine of one month's pay (\$8,632). CSM Riley Miller

was given an Article 15 which he received forfeiture of \$1,852 of pay per month for two months (\$ 3,704 total) and a letter of reprimand. General Kevin Byrnes received non-judicial punishment, which resulted in a reprimand and an undisclosed fine. All these Soldiers were asked to retire. While the public may not be privy to all facets of each charge, Soldiers have their own ways of formulating their own opinions.

Some may say these individuals received appropriate punishments, but the perception formulated among the ranks is that there is a double standard. Part of this double standard may come from some details becoming public while the corrective action may not be publicized like the allegation. Without all of the facts, Soldiers at all levels formulate their own perception by filling in the blanks. The result becomes the perception that if a First Sergeant, Captain, Major, or Battalion CSM committed the same offense as what these senior leaders were charged with, then their punishment would have been more severe. Some say that those leaders who made poor ethical decisions paid their dues, serving honorably for years, even decades in some cases, and should not be severely punished. Shouldn't a leader in a position that is high profile and viewed by the public with great trust be punished more severely? As a leader, comes an obligation and responsibility to do the right and moral thing. It is the responsibility of all leaders to stop any behaviors that may be viewed as immoral, not upholding the Army values, or doing the right thing. Most leaders don't think about the second and third order affects of their actions. When senior leaders make bad ethical decisions, it has a trickle down impact on the leaders and Soldiers under them.

The impact of those bad ethical decisions on the Soldier contributes to the perception of unequal punishment. Their choices as senior leaders violate our institution's values and moral fiber. All Soldiers should expect to receive fair and equal punishments for similar infractions.

Some senior leaders expect a lesser punishment for their lifetime commitment to the military in order to protect their career. These senior leaders do not understand the impact of these lesser punishments on the rest of the military. Past ethical decisions of senior leaders have perpetuated the perception of unequal punishment. FM 22-100, Army Leadership Manual, states “that leaders are the ethical standard bearers of our organizations.” A leader’s behavior has the greatest effect on that organization. When a senior leader violates this standard, it compromises the cohesive climate of the units under them. Cohesive climate comes from Soldiers’ perceptions; an attitude of what these Soldiers believe is the truth. This moral conflict causes Soldiers to question the NCO Creed, Soldiers Creed, and the Army Values of their leadership. Valuable training time and resources are utilized to realign the military’s values, when the organization’s values were never in question-only the values of the leaders who made the unethical choice. Trust, loyalty, and integrity must be reestablished between leaders and their Soldiers. This is difficult to overcome when the perception is that the senior leader that committed the alleged crime gets away with it or is not as punished as severe as an organizational leader would.

The Army is a values based organization with the highest moral standards. To ensure that our Army remains the toughest, most highly trained and professional organization in the world, its leaders must continue to make good ethical decisions. Leaders must give fair and equal punishments. Moreover, leaders must continue to squash rumors and communicate facts, not perceptions.