

# ETHICS

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### Failure in Leadership

A spate of investigative reports, newspapers, and magazine articles in May 2004 alleged that U.S. Soldiers mistreated Iraqi prisoners. The articles linked to physical abuse and sexual humiliation of prisoners at Abu Ghraib prison. The primary problem of the Abu Ghraib prison is the failure of leadership, and questionable or absence of orders.

The Webster's definition of ethics is "the discipline dealing with what is good and bad and with moral duty and obligation; a set of moral principles or values; and the principles of conduct governing an individual or a group." Ethics are principles we follow that lead us to do the right thing. Ethical leaders do the right thing even when no one is watching. Doing the right thing is not always easy, but to fulfill your duty, maintain your integrity, and serve honorably, you must be able to apply ethical reasoning. Leaders set the example by his or her actions for others to follow. The Army's position concerning ethics has not changed despite violations by Army members that have been in the news recently. The four basic elements that make up the professional Army ethics are duty, loyalty, selfless service, and integrity. The illegal interrogations and mistreatment of prisoners focus discussion on these three questions.

#### *Where The Soldiers Following Routine Military Procedures Or Acting On Behalf Of The Interrogators?*

An Army report concludes that serious problems in training, organization, and policy regarding military detention operations in Iraq contributed to the abuses in the Abu Ghraib prison. The report cites that the military police and military intelligence did not receive proper training to deal with terrorist and other Iraqi criminals. It describes poor leadership, overcrowded cells, and poor medical care for Iraqi prisoners. The lack of policies and practices left the Army ill prepared to hold and question thousands of detainees at the prison.

A Military Police Brigade that oversaw U.S. detentions facilities throughout Iraq had an adversarial relationship with the military intelligence who had received tactical control of the prison. This led to a situation in which military police in charge of the prisoners did not know whose orders to follow. This command decision effectively made a military intelligence officer rather than military police officers responsible for the military police units conducting detainees operations at that facility.

A military intelligence Soldiers who served at Abu Ghraib, said that military intelligence officers had directed military police to commit abuse against prisoners as a way of breaking them down. The prisoner received coercive practice such as no clothes or naked for long period of times, water boarding in which detainees strapped down to a board and pushed under water, hooding, deprivation of food, water, light, and medical supplies.

*How Should Soldiers Respond To Orders That Sound Illegal Or At Least Seems Questionable?*

A lawful order should reasonably link to military needs, specific and not contrary to established laws – the Constitution, United States, or other laws – or beyond the authority of the person issuing the command. Soldiers who fail to obey a lawful order subject themselves to punishment under Article 92 of the Uniform Code of Military Justice (UCMJ). The UCMJ and military case law also make clear that military personnel have an obligation to obey only lawful orders.

While some illegal orders stand out by themselves and easy identify, the gray areas pose the greatest questions of legality. Most Soldiers follow their last order because of the fear of punishment by court martial for disobedience. No one can force you to commit a crime, and you cannot receive a court-martial or given any other punishment for refusing to obey. Soldiers

subject themselves to punishment for committing a criminal act in violation of the Law of Land Warfare.

If giving an order that is questionable or unclear, you ask for clarification. If, the order still sounds unlawful or criminal, the Soldier must not carry out the order. Soldiers must report criminal or unlawful orders to the chain of command. The Soldier can report it to the provost marshal's office or the legal office if the chain of command becomes part of the situation.

The guidance laid out by the Army's Law of Land Warfare directs that when a soldier faced with a perceived unlawful order, the Soldier must: seek clarification to ensure they understands the order, advise the superior that the order seem unlawful or criminal, refuse to obey the order, report the incident to the chain of command or higher.

*Are We To Believe That Junior Soldiers Acted On Their On Or In The Absence Of Leadership?*

A legal memorandum wrote after September 11, 2001 terrorist attacks which argued that the Geneva Conventions had become obsolete and did not apply to terrorist suspects. The legal memorandum stated that hundreds of people detained by United States and allied forces in Afghanistan have no rights under the Geneva Conventions. A special-access program (SAP) created to kill, capture, and interrogate "high value" terrorist targets. The SAP and soldiers interrogate the prisoners to gather information on or about insurgency. The Soldiers were following order of military intelligence officer working in Iraqi military prison under the auspices of the SAP.

The Army has issued new guidelines for detainee interrogations. The new guidelines would bar coercive methods including sleep deprivation and putting detainees in stressful

position. The new policy titled “Interrogation: Rules of Engagement” replaced the old interrogation procedures.

Values are the foundation for our organization, and because of the personal ethics of our soldiers and leaders, we are able to follow those values. The Army teaches us, when faced with an ethical decision to use the Army values as our guide. Fortunately, most of us had these same values instilled in us by our parents, but our parents also had a tremendous influence over how we prioritized these values. This prioritizing is the single best or at times the single worst factor when trying to make the right ethical decision. NCOs believe the first step a leader must take is to realize that all the Army values are of equal importance, only then can we make the best ethical decision.