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AN ETHICAL DECISION OF LIFE OR DEATH

Leaders of today's Army are faced with ethical problems on what seems a constant basis. A specific problem facing our Army deals with the War on Terrorism and society's judgment of ethical decisions made by military leaders. One such case is made regarding LTC Allen West, a battalion commander who received administrative punishment for improperly interrogating and Iraqi detainee. Ethics is defined as a principle of right or good behavior or rules for standards of conduct governing the members of a profession. Similarly, an ethical dilemma creates conflict and makes one choose between values, beliefs and options for their actions. There have been similar situations reported since the War on Terrorism began.

LTC West admitted to having two noncommissioned officers assault an Iraqi policeman who was working for terrorists. When physical coercion failed, the commander took matters into his own hands. Telling the detainee that he was going to kill him, he fired his sidearm twice in order to successfully influence a confession from the detainee. After the incident, LTC West reported himself to superiors for violating the Uniformed Code of Military Justice (UCMJ).

A commander has two responsibilities when dealing with military justice: enforce the law and protect the rights of Soldiers. LTC West violated the law twice when he ordered the NCOs to beat the detainee and then when he himself threatened the detainee. There are many things to consider when one leads Soldiers into combat. First, and foremost, is trust. Leaders cannot effectively lead Soldiers they command unless there is trust. Soldiers must trust you to do the right thing, trust you to protect them, and trust you to protect their rights. This commander lost control of himself, his Soldiers, and his mission. The easiest way to violate trust is to make exceptions to rules and regulations. Sometimes Leaders find themselves between a rock and hard place when placed in a position that requires action one way or the other. One might choose the

lesser crime when presented with this type of ethical dilemma. LTC West thought it was best to scare a confession out of the detainee rather than face the possibility of an assassination attempt against his unit. An ethical issue this situation presents is whether or not the commander used minimal force when questioning the detainee. The Geneva Convention governs the treatment of prisoners of war. They state that neither physical, mental torture, nor any other form of coercion may be inflicted on prisoners of war to gain information of any kind. Additionally, prisoners who refuse to answer questions may not be threatened, or exposed to any unpleasant or harmful treatment.

The American Army on the battlefield carries the values of the American people, and one of those values is we do not abuse our enemy. The leadership will have to take some kind of action from a moral and ethical standpoint. The U.S. Army can never allow such behavior. As horrific as war is, we cannot go down that slippery slope. Everything that we stand for as an Army and a nation would be undermined. You can't physically maltreat prisoners, and we can't have our officer corps tolerating that it's ok to do such things. Once this has occurred, the damage tends to be irreversible. Your soldiers no longer see you in the same light that they once did. Or worse, they believe that rules and regulations don't apply to them. For obvious reasons, this can be dangerous.

Col. Kevin Stramara, LTC West's boss who didn't ever see sufficient evidence in what LTC West told him the night of the incident to report it testified at the Article 32 hearing. With about a dozen of his troops listening, Col Stramara was asked, "If you had to choose between following the rules and saving American lives, which would you choose?" His answer: "I don't know. I'd have to have some more details." While Col Stramara looks for those details, his men know their lives may be lost. His instinct is to cover his butt, not to save his troops. His driver testified he

saw the officer fire into the sand near the detainee but he did not believe the officer would kill the detainee. I knew it was wrong the driver said. The hearing exposed a weakness in coalition interrogation techniques. Released Iraqis promptly tell other Saddam loyalists taken into custody they do not have to talk. All intelligence witnesses regularly expressed the fact that detainees bragged they don't have to talk because we can't do anything to them. Each individual command runs its own military justice systems. After hearing evidence and determining whether there is probable cause, the presiding colonel will make a recommendation to division commander Major General Raymond Odierno, who has the authority to implement the recommendation or do something completely different. The options range from doing nothing to a general court martial, which is a felony prosecution.

LTC West faced a court-martialed during his Article 32 hearing. Why would the Army dismiss a top-notch 20-year officer with and otherwise stellar career? A dismissal would mean losing a lifetime of retirement benefits for the married father of two children. LTC West at his Article 32 hearing stated I love the Army, as he sat on the witness stand holding back tears. I know the method I used was not the right method. If I had to err, I would err on the side of not losing my soldiers. There is not one Soldier here I would not sacrifice my life for. Here we have a battalion commander on the ground involved in the actions making key decision at a moment notice. He viewed his choices of decision to be for the good of many. Who are we to question his decision especially at the cost of his Soldiers lives? Let's say LTC West had not threatened the detainee and the situation unfolded differently and Soldiers lives were lost. Then how would society judge LTC West actions knowing he knew of a plot to kill his men and he did nothing about it as a battalion commander? This was and ethical dilemma of damn if you do and damn if you don't. Considering all the info that LTC West had I think he made the right decision.

From the start LTC West was willing to subject himself to non-judicial punishment and retire. He had already relieved him of his command a sure career killer. Pro-military groups and Army Officers closely watched LTC West case. We must keep faith with troops by holding them to clear standards, and punishing those who violate them. LTC West finally got the word that he would receive non-judicial punishment instead of a court-martial. I think the Army got this one right. LTC West is neither a hero nor a war criminal.