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PREPARING LEADERS FOR THE FIGHT:

AN ATTEMPT TO GET LEFT OF THE BOOM

by

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AN ATTEMPT TO GET LEFT OF THE BOOM

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has been approved

June, 2020

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ABSTRACT

Preparing Leaders for the Fight: An Attempt to get Left of the Boom

There is a need, in the United States Army, to examine and refine the training of Soldiers in ethical decision making in order to better equip leaders for unforeseen dilemmas which regularly occur in both war and peace. This project includes a cursory look at several noteworthy cases which have provoked public debate and discourse about situational ethics within the military. Other cases are mentioned as emblematic examples because of their instructive value and offer various insights into the current ethical climate and moral health of the Army. By focusing primarily on the case study of Lieutenant Colonel (Retired) Allen B. West the project seeks to examine the systems and circumstances that preceded and contributed to a very public moral morass. The project investigates the adequacy, or lack thereof, of ethical training and preparation which may have contributed to the controversial unfolding of events in the West case. The project includes a survey and assessment of both theoretical and tested military ethics and leadership models to evaluate their future potential. An attempt is made to glean lessons learned from both the primary and secondary cases while suggesting revisions and improvements to any existing ethical decision-making models which may be in place. Ultimately this project offers a new rudimentary Ethical Decision-Making Model for review and consideration.

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Chapter 1

INTRODUCTION

The phrase 'left of the boom' has become increasingly common in military vernacular over the past decade or two. Originally it was used in incident reports regarding attacks carried out with Improvised Explosive Devices (IEDs) or other attacks, particularly of an explosive nature, to describe the timeline before a catastrophic incident. From this pre-boom study, after-action reviews (AARs) are usually conducted hoping to learn something useful from the incident and prevent or reduce recurrence. While it is commonplace in the Army to deconstruct and evaluate a battle to determine which tactics should be sustained, revised or abandoned, this simple reflection and introspection rarely occurs in the wake of a moral failure or a contested ethical dilemma. This project seeks to apply such an approach toward ethical dilemmas generally and the LTC West case specifically, with the ultimate goal of getting left of the boom and preventing unfavorable incidents before they occur.

The United States Army prides itself on being the best prepared, trained and equipped ground combat force in human history. As a nation, we spend a high percentage of gross domestic product (GDP) on our military at 3.2% (Worldbank, n.d.). For that investment, Americans receive the most advanced technology and equipment on the battlefield and a stockpile of armaments ready to deter or defeat any opponent who should challenge the sovereignty and liberty of our nation. However, our military, and specifically our Army, is nothing without its number one asset, the force, which is made up of Soldiers and the Non-Commissioned Officers (NCOs) and Officers who lead them on and off the battlefield. The development of this mighty lethal force is not accidental, but rather the result of very intentional initial and continuous training.

Every young Private knows, from his or her personal experiences, the benefits of the repetitive drills and exercises endured in Initial Entry Training (IET) also known as Basic Training. These lessons in basic Soldiering are so ingrained that they trigger instinctive and reflexive reactions, not requiring conscious thought when situations demand quick action. Additionally, as Soldiers depart for Advanced Individualized Training (AIT) in their Military Occupational Specialty (MOS) they practice these same redundant patterns as they learn and develop proficiency in their specific jobs for the Army. It has often been said that 'All Soldiers are Shooters First', meaning that all Soldiers' first responsibility is to engage with and destroy the enemy (with the exception of the 56A MOS; Chaplains: who are designated non-combatants by the Geneva Conventions and the Uniform Code of Military Justice (UCMJ)). Whenever Soldiers are not engaged in direct combat actions, which is most of the time, they do their regular Army jobs, attending to their specific duties and functions prescribed by their MOS. In AIT, the cooks learn to prepare meals for large groups of Soldiers. Even as they become proficient in deploying and operating Military Kitchen Trailers (MKTs), they carry their rifles and continually train for combat operations. Across the Army, this is the pattern of training and developing Soldiers, assuring the readiness of individuals, units and the entire force.

Every day new Soldiers are added to the Army to compensate for attrition and retirees; as a result, the IET/AIT training cycles are never ending. Improvements are made all the time and the scope of all Army training tends to creep toward endless expansion. This is often in reaction to incidents or trends within the Army, the military or the community at large. For instance, if the Army experiences an uptick in roll-over accidents, they prescribe more roll-over training. When there are more suicides, the requirement for periodic suicide prevention training is adjusted, etc. Over the last decade the pattern of reactively adding training requirements became

so burdensome that commanders complained stating there was insufficient time to perform normal training and accomplish the various missions across the force. So, within the last two years, non-mission-essential training has been pared back significantly. Suggesting additional training requirements has become verboten and in the current exhausted environment, often falls on deaf ears. Nonetheless, evidence would suggest that despite the preeminent stature of the U.S. Military, the service branches, including the Army, are deficient in training on Ethical Decision Making, and this deficiency indicates that a thorough review is called for.

The military, like other institutions, will always have some quotient of moral, legal and ethical failures. There will be those who lie, cheat, steal, coerce, manipulate, deceive or defraud for their own advancement or benefit. These offenses within the military generally and the Army specifically are usually less prevalent than they are within the culture that service members come from and have been diminishing in occurrence over the last decade (Army Crime Report, 2018). Criminal offenses within the Army are nearly universally condemned and judged as wrong by both military insiders and civilians on the outside of the institution. The unquestioned failures of servicemembers while tragic are not the primary concern of this work. Instead, this project aims to investigate those acts which are not nearly so cut and dry and are often hotly debated after the fact. It is in those actions which are so often second guessed that true ethical dilemmas are discovered.

Like the other services, the Army reduces ordinary infractions and UCMJ violations by inculcating new recruits and indoctrinating them in a system of nested virtues called The Army Values. This project occasionally questions the efficacy of the Army virtue/values training in achieving the lower mean occurrence of legal and moral failures. The approach of the inquiry presupposes that current training materials and models are wholly inadequate for preparing

Soldiers, NCOs and especially Officers for the more complicated task of resolving ethical dilemmas where two or more virtues/values may conflict with others.

Ethical dilemmas often occur when there is an apparent conflict between what is good, what is right and what is legal. Consider the case of Private First Class (PFC) Manning, who unquestioningly violated UCMJ, Army policies and United States Code of Federal Regulations (CFR) by intentionally leaking classified military documents in 2010 (Ford, 2013). Manning is alternatively looked at as a traitor who was justly sentenced to 35 years imprisonment and a beleaguered misunderstood hero whose sentence was eventually commuted by President Obama, who claimed to be sympathetic with the case. Manning did not dispute violations of the law, pleading guilty to ten of the twenty-two charges, but still maintained that the actions were right and just.

Another highly publicized case, fresh from the recent news, is that of Navy Captain Brett Crozier. A short time ago, he was fired from command of the U.S.S. Roosevelt for intentionally leaking concerns about the health of his crew, who at the time had more than half of all of the military's confirmed cases of COVID-19 (Cooper & Gibbons, 2020). He violated Navy and Department of Defense policy by going outside of the chain of command. However, the Sailors assigned to him, much of the public, the Democratic Presidential Candidate Joe Biden and many Members of Congress have called his actions heroic and his firing by the Interim Secretary of the Navy, Thomas B. Modly, unjust and immoral (Cooper & Gibbons, 2020). In fact, the push-back was so intense that Secretary Modly has now resigned. This is another case where there is no doubt that Captain Crozier violated many policies, but the ultimate ethical question is whether the extraordinary conditions he faced justified his actions.

The third case, which will be examined closely as the primary instructional tool for this project, is that of Lieutenant Colonel (LTC) Allen B. West. LTC West went outside of the Rules of Engagement, the UCMJ, and the Law of Armed Conflict (LOAC) when he allowed a detainee in his custody to be beaten and then personally threatened that detainee's life as part of an unauthorized interrogation. West was relieved of command, fined, and his Army career ended abruptly. However, because he may have saved the lives of his men, many viewed him as a hero who should have been promoted. Others viewed his punishment as far too weak and expressed bewilderment when he was later elected to Congress.

Each of these cases classically illustrates the ethical dilemmas that face Servicemembers and leaders across the force every day. Often, public judgments are rendered with incomplete information and even when all the available facts come to light there are still no easy answers and agreement is elusive. As the military trains for potential threats an investment must be made to prepare Soldiers like PFC Manning and leaders like CPT Crozier and LTC West for difficult ethical situations they may encounter. The focus of concern here is on the Officers and leaders of our military who have the responsibility to foster an ethical climate where their subordinates can then develop their own ethical decision-making capabilities and prepare for the unknown challenges which lay over the horizon. The project will explore the notion that predictable training for unpredictable circumstances requires imagination and creativity on the part of leaders at all levels.

It is proposed here, and in what follows, that the training and preparation of our Military Officers is insufficient for the moral and ethical dilemmas which they may encounter on today's battlefields. This proposition will be tested as a careful analysis of the case of LTC West is conducted. Any lessons learned from this investigation will lead to recommendations for

revisions or supplements to the Army's training program intended to equip leaders with Ethical Decision-Making Models designed to build the capability to quickly assess the ethical components of emerging situations.

LTC West Case Overview and Timeline

These are undisputed events which took place in Iraq in 2003 that relate to the extraordinary interrogation measures undertaken by LTC West and his Soldiers.

- March: American military forces invade Iraq because of Iraq's refusal to comply with multiple United Nations (U.N.) resolutions (Berry, 2008).

- April: The Fourth Infantry Division (4ID) deployed from their home base at Fort Hood, Texas with approximately 15,000 Soldiers to join the fight (Berry, 2008).

- June 8th: LTC Allen West's vehicle is ambushed and his driver, Private First Class (PFC) Michael Johnson, is seriously wounded and evacuated to the United States (Berry, 2008; Gomez, 2003).

- August 8th: LTC West, an Artillery Officer, was assigned as a civil-military affairs officer in and around Tikrit, Iraq with the primary mission to help the Iraqi Army and local leaders prepare for and conduct safe elections while stamping out a growing insurgency (Berry, 2008).

- August 8th: West is informed by his higher headquarters, Division Artillery or DIVARTY intelligence officer that there was credible intel about an imminent planned attack against him or his Soldiers, intended to disrupt their mission (Berry, 2008).

- August 15th, intelligence reported that a local Iraqi policeman, Yahya Jhodri Hamoodi was involved in an assassination plot targeting LTC West (Berry, 2008; Gomez, 2003).

- August 16th: Departing on a security patrol, West was detained by some locals who wanted to speak with him. The rest of the convoy went on ahead and were ambushed. Though no one was injured, West would later testify that this made him take the threats on him and his men much more seriously (Berry, 2008).

- August 20th: Hamoodi, the Iraqi police officer, is arrested and detained on Forward Operating Base (FOB) Gunner near Taji, Iraq (Berry, 2008; Gomez, 2003).

  - Initially, the prisoner was unsuccessfully interrogated by the trained and designated Military Intelligence (MI) branch interrogator (Berry, 2008).

  - LTC West and his personal security detail (PSD) went to the detention facility and were informed that the prisoner was uncooperative (Berry, 2008).

  - LTC West entered the interrogation room, drew his service pistol and made verbal threats to kill the prisoner if he didn't tell him what he knew about the attacks against his unit (Berry, 2008).

  - When the detainee refused to speak, LTC West had him hauled out front of the building and fired his pistol into the air, which he later testified demonstrated his commitment and his willingness to make good on the threat against the detainee's life (Berry, 2008).

  - Several of West's Soldiers 'roughed up' the detainee and continued to threaten his life for approximately 20 minutes (Berry, 2008).

- o West again drew his pistol and fired; this time into a clearing barrel close to the prisoner's head (Berry, 2008).

- o The detainee began to speak and offered up specifics related to an alleged assassination plot including names of conspirators, a timeline, and tactical plans (Berry, 2008).

  - ▪ This claim is refuted by Hamoodi's sworn statement and that of the Non-Commissioned Officer in Charge (NCOIC) of the detention facility who both claimed that no intelligence was actually gained from the interrogation.

- o West immediately reported the intelligence and the methods used to collect it to Colonel (COL) Kevin Stamara, the DIVARTY Commander (Berry, 2008; Babbin, 2003).

- o Patrols were modified for 24-72 hours to avert the alleged attack and no incidents took place (Berry, 2008).

- In early September, one of DIVARTY's Sergeants, from another Artillery Battalion sent a letter to the 4ID Commander, then Major General (MG) Raymond Odierno, detailing several unrelated complaints about the DIVARTY command climate and casually mentioning West and the interrogation incident from three weeks earlier (Berry, 2008).

- October 6th: 4ID launched an investigation and LTC West was relieved of command, leveling charges against him. Though no judgement had been rendered, he was asked to bring all his belongings, indicating that he would not be returning to his men or his command (Berry, 2008).

- Approximately October 8th: The 4ID Staff Judge Advocate (SJA) who is comparable to a prosecutor, offered West a deal that the matter would disappear if he agreed to immediate retirement. Being two weeks away from retirement eligibility, West refused (Berry, 2008).

- October 11th: The Investigating Officer (IO), Major Robert Reginelli, is assigned for a formal Article 32 hearing, comparable to a grand jury (Berry, 2008; Gomez, 2003).

- October 12th: The General Court Martial Authority (GCMA), MG Odierno receives the charge sheet (Berry, 2008).

- November 18th – 19th: The Article 32 Hearing is conducted (Berry, 2008).

- December 8th: IO submits recommendations to the GCMA recommending a $5,000 fine and allowance for West to retire as a Lieutenant Colonel.

- December 13th: West was found guilty by Major General Odierno, fined $5,000, stripped of all his duties, and shipped back to Fort Hood to await retirement. 4ID Public Affairs Office (PAO) stated: "West disobeyed laws, ignored orders and mortgaged future discipline in his unit by compromising his credibility. His crimes merit a court martial but mitigating factors were considered including the stressful environment and LTC West's record as an officer and commander" (Vasovic, 2003).

Though not part of the timeline of events on the ground, a parallel series of incidents stateside influenced the eventual outcome of these events. Leading up to the Article 32, LTC West participated in several media interviews and public support swelled for him in advance of the hearing. Several reporters and writers, embedded with the 4ID, reported on the West case, and many Congressmen took up positions of support for West describing his actions as heroic

and deserving of a medal (Gomez, 2003; O'Reilly, 2003). Dozens of articles and television news segments caused support for West to grow leading up to and following the trial. This inspired many to contact their Congressmen; 91 of whom sent an official letter supporting West to the Chief of Staff of the Army (Jeffrey, 2003; Freddoso, 2003). Undoubtedly, the pressure from politicians and media coverage affected the climate of the Army's Article 32 hearing and ultimately General Odierno's centrist ruling.

Chapter 2

REVIEW OF LITERATURE

In surveying the available literature on military ethics, it seems that much of the bandwidth of scholarship is reactionary to some terrible ethical or moral failure or another; it is right of the boom. This project intentionally limits references to the salacious news stories which illustrate obvious ethical and moral failures, though there is no shortage of them. While ethical calamities, properly documented and studied, can make great scenarios for illustrations of a failure to apply ethical principles or reasoning, they do not necessarily provide a developing leader with the tools required to navigate the ethical and moral challenges they will encounter in the rapidly developing field of military combat.

Ethical dilemmas that are widely remembered are those which are publicized and involved a considerable measure of controversy, or they would not have been dilemmas at all. While difficult ethical situations are resolved everyday across the Army, they receive little to no notoriety because there is no unsettled conflict. In other words, real-world scenarios may beautifully illustrate what not to do, but they do not necessarily inform student Soldiers on the 'ought to' in a crisis. Another potential disadvantage of the overuse of scenario training is that the lapses in judgement often appear crystal clear to the student in the classroom who has the advantage of knowing how it all worked out; this takes full advantage of the idiom that hindsight really is twenty-twenty. This oversimplification can do harm to the student leader who will have to learn on their own that the fog of war as, Clausewitz characterized it, is ever present and obscures the clear judgements achievable in a sterile classroom (Elward, 2010 pp. 3-4).

This project investigates the research and reviews the literature that is aimed at Jus Ante Bellum- the ethical preparation and training for war (Wertheimer, 2016 p. 162) and searches for

evidence of successful left-of-boom training and education in situational ethics. While much is written about the ethical deficit of the U.S. Military, preemptive training may offer the most impactful remedy to this epidemic and stave off future outbreaks of vice, giving it no soil to root in, amidst the next generation of military leaders.

The literature of interest for this project covers four broad categories. First, there are the secondary cases like PFC Manning and CPT Crozier already mentioned. Second, there are documents and materials which relate directly to the primary case study of LTC Allen West. These materials will include contemporaneous news articles and interviews, court documents, academic expositions and biographical work. The third category of useful literature for this project is anything that is written specifically bearing on the practice of military ethics training and pedagogy. The fourth and final category of literature is relevant to solution design and will include work on critical thinking, and military decision-making models.

Secondary Cases

The single source which is replete with relevant military examples to draw from is the *Encyclopedia of Ethical Failure* (EEF) published by the United States Department of Defense (U.S. DoD) office of the Inspector General (IG). The opening pages of the two available editions indicate that these collections were originally intended to be published annually but it seems that, like the military's attention to ethics and morals, it is more of an intermittent concern. The currently available editions are from 2014 and 2016, respectively. The catalogued ethical failures span 18 discreet classifications that range far and wide from bribery to fraud to travel violations. The Standards and Conduct Office is the proponent for this document and since they are a legal office which falls under the DoD General Counsel, as it might be expected, the EEF is written by lawyers for lawyers and focuses on investigations and prosecutions of violations of

Civil Law, The Uniformed Code of Military Justice (UCMJ) or official military policy of the

DoD or the subsidiary branches of service.

Though lawyers routinely look to cases like these to advise their commanders, they are

primarily concerned with what is and is not legal and navigating the edges of policy and UCMJ

while accomplishing the mission. In short, the job of embedded lawyers at various levels of

command is to advise the leaders of that unit what the law and particularly the UCMJ, the Law

of Armed Conflict (LOAC) and the current Rules of Engagement (ROE) determine is

permissible. When one of their Soldiers, Sailors, Airmen, Marines or Coastguardsmen violate

any one of these various standards, the commander will usually turn to their Judge Advocate

General (JAG) lawyer to seek guidance for investigations, punishments and potential civil or

military prosecutions including Court Martial. The EEF serves as a useful reference for the JAG

but an opportunity is missed to analyze these cases to investigate the Ethical atmospherics

involved and to draw from them useful illustrations that can be used in the Ethical training of

Soldiers.

The EEF is largely unknown to the American public. The few mentions of it in consumer

media outlets squeeze from it punch lines, picking and choosing outlandish cases of graft or

foolishness with which to taint the military. An article in *Business Insider* typifies this; it was

entitled *18 of the Most Outrageous Military Ethics Violations* (Ingersoll, 2013). There's little

wonder why the EEF's annual publication ceased or has become a limited distribution classified

document; the DoD was handing critics all they needed to mount attacks against the institution.

This is not to say that the DoD IG is not continuing to publish data relevant to this inquiry. In

2017, based on reports from the IG, *USA Today* published an article titled: *Senior military

officials sanctioned for more than 500 cases of serious misconduct* (Brook, 2017).

Most of these 500 plus cases referenced in Brook's article had to do with sexual misconduct which, in the eyes of the military, is both a moral and usually a legal failure. For the purposes of this work, because these examples indicate clear and undisputed wrongs, they are not thought to involve ethical dilemmas. However, they are worth some mention because they all involve senior leaders in the military. Organizational culture and climate are established by the senior leaders within that unit or group. Many researchers in leadership have written about the profound differences, both positive and negative, the example of a leader can have on an organization.

It is important to note that news articles about the concerns with our military leaders are not limited to those liberal media sources typically critical of the military. Another example of a paper documenting grave concern about leadership issues in the military appeared in the very conservative publication, *The National Interest*. Their article entitled "The U.S. Military's Ethics Crisis" calls for higher standards and higher scrutiny in and of our military (Joyner, 2014). This article offers some useful insights about the operational tempo (OpTempo) of cyclical ongoing combat deployments and the failure to 'manage the profession' throughout the nation's longest war. The author quoted then Secretary of Defense (SECDEF), Chuck Hagel, as saying "Ethics and character are absolute values that we cannot take for granted. They must be constantly reinforced" (Joyner, 2014). As the only SECDEF to have served as an enlisted Soldier during the Vietnam War, his words carried extra weight.

The final article worth mentioning in this section is one from *Military Times* titled "GAO: Pentagon fails to address ethical problems". As the headline suggests, this story details an internal study completed by the Government Accounting Office and reports that the DoD did not successfully clean up ethical messes which were widely reported on in the 2010-2014 timeframe

(Tilghman, 2015). This reinforces the Hagel quote in the previous paragraph about the necessity of the constant reinforcement of ethical training, but it also suggests that there are systemic problems which demand attention and that a complete overhaul of existing policies and approaches to training is in order.

Primary Case – LTC Allen West

The primary case study for this project is that of LTC (Retired) Allen B. West. There are five categories from which materials have been drawn for this case study. The first is a biography and study of his case written by Dr. Richard Berry. The second is the doctoral dissertation of CH (COL) Peter Dissmore. The third and broadest category of materials for LTC West's case study is the trove of articles and news accounts which were published as the events unfolded and, in the weeks, and months after they concluded. The fourth category of materials is that of the official U.S. Army Criminal Investigation Division (CID) including the sworn statements and court documents from the principals involved in this incident. The fifth category of materials is that of Army regulations and Field Manuals including two versions of *Army Leadership* and the *Army Interrogation Manual.* In addition to these categories, an uncategorized reference to the West case as framed for ethics training by the Center for Army Leadership (CAL), formerly known as the Center for Army Professional Ethic (CAPE) will be considered.

Berry's Biography

Dr. Richard Berry's book is entitled *A Missing Link in Leadership- The Trial of LTC Allen West*. The book is advertised as biographical and to the extent that a good deal of details about LTC West are included it fulfills that role. However, Berry has really written a book on leadership which puts forward a collection of unorganized ideas emphasizing the need to investigate the emotional dimensions of leadership, the influences, limitations and restrictions of

institutional thought and the importance of reliable intuition in Army leaders. Berry presents all these ideas against the backdrop of the ethical dilemmas of LTC West's case.

Dr. Berry managed to gain access to all the official records and notes relevant to the investigation of LTC West's 2003 incident in Iraq. This makes his detailed account of the facts very reliable and he presents them in a dispassionate way that is far more objective than the pro or anti West articles which were written in the media at the time. One of Berry's primary theses is that leaders have lost the ability to rely on instincts when situations require immediate action (Berry, 2008). He is here describing a gap in the abilities of most modern leaders to properly and efficiently measure the ethical implications of a given situation and to instinctively make 'right' decisions.

Though he doesn't explicitly state it, Berry infers that West possesses unusual skills and intuitive aptitudes that served him well. Berry argues that it was the system West operated in, a risk averse Army, which failed him. This aversion of risk within the Army may well be influenced by the highly litigious society it exists to serve. There are certainly many inside and outside of the Army who agree with Berry's characterization of West and consider him a hero, but there are just as many who strongly disagree and vilify LTC West for going too far and taking matters into his own hands outside of the system.

Berry's case study of the West trial and the surrounding events is quite thorough. He presents his research and observations based upon four sources: 1) the official records from the Article 32 investigation, 2) the accounts of those who served under West and were present for the events, 3) personal accounts from LTC West and 4) a multi-level or holistic account. From these various perspectives Berry's case study presents a fully developed picture of the events which took place in Iraq in 2003 relevant to the West case. Berry appropriates Edgar Schein's

model for organizational culture as the framework for much of his analysis and it comes across as forced and ill-fitting. Nonetheless, Berry does an excellent job peeling back the onion of West's case in such a way as to lay bare the central ethical questions of this case. These include: Is it ever okay to brutalize, torture or threaten a detainee? Can a detainee in your custody still present an imminent threat? Are all things truly fair in love and war, or more broadly, do the ends justify the means?

Berry's book is an especially useful resource for this project even if his thoughts and musings on leadership are difficult to follow. His investigation of emotional influence sheds light on the probable state of mind and emotional status of West, his men, the detainee and even the investigators and Commanders who later sit in judgment over LTC West. Because its account of the facts is undisputed, it also serves as a useful check against the media reporting of the West case.

Dissmore's Dissertation

In addition to Berry's book on West, the dissertation of CH (LTC) Peter Dissmore, *ETHICS FOR THE MILITARY OFFICER: TEACHING ETHICS AT THE MANEUVER SUPPORT CENTER FOR ENGINEER OFFICERS* was quite helpful. In this work, Dissmore details his time as the ethics instructor for the Maneuver Support Center for Engineer Officers (MSCEO). His work has obvious application to the pedagogical objectives of this project and his instructional use of the West case makes it relevant and valuable to this project.

For his instruction of Lieutenants and Captains, Dissmore created an extended practical exercise (PE) which was based on LTC West's case. The students were given the basic facts of the case and then asked to evaluate it analytically as they developed their own ethical decision-

making skills through trial and error. Choosing to employ a Socratic method, the students

engaged with Dissmore and with one another to tease out and address the following questions.

- What was the problem? – No info, losing soldiers, not able to complete the

mission, not knowing how to complete the mission

- What are some of the decisions LTC West must make? – How to accomplish the

mission, how to obtain information from the prisoner, how to treat the prisoner

- What values were in conflict? – Loyalty to mission/rest of Army/nation vs.

loyalty to his Soldiers' lives.

- What applicable laws or regulations could apply in this situation? – Laws of war

on prisoner treatment

- What are some other questions the leader should ask? – Did West's religious

background affect his decision-making? What about the CNN Factor; does this case

reinforce the stereotype of the ugly American?

- What other moral principles might apply to this situation beyond the basic Army

values already discussed? (Dissmore, 2009).

The News Accounts

In addition to Berry's book and Dissmore's dissertation the news accounts are

informative and add a bit of color that is lacking in the academic and literary accounts. In

researching for this project, 26 articles or transcribed news stories were examined and evaluated.

Initial reporting on the incident began when an Article 32 Investigation was opened and LTC

West was removed from command in October 2003. While most of the relevant news stories fall

within the six-month window after the incident, a couple of later articles including one from

2016 were evaluated because his detractors continue to speak out against him. These later

articles are passionately written and could be motivated by personal politics or alternatively by writers who believe many people have accepted the wrong narrative concerning LTC West.

The 26 articles were evaluated based on their portrayal of LTC West in either a favorable, unfavorable or balanced manner. It was surprising to determine that from this random sampling of contemporaneous news stories six of them were overwhelmingly positive and used words like 'hero' and 'Soldier's Soldier' to describe West. Some went so far as to urge Congressmen to intervene for West. Many followed that prompting and 95 members of Congress signed a letter to the Chief-Of-Staff of the Army. Several Senators also weighed in and the articles revealed that pressure was brought to bear on then SECDEF, Donald Rumsfeld to intervene in the Article 32 Investigation. Several Senators were overtly supporting West even before the investigation had concluded.

There were also a smaller handful of unfavorable reports. From this collection, five articles were determined to be quite biased against LTC West. However, none of these was from the time of the investigation or the Article 32 Hearing. The earliest overtly negative press discovered in this collection didn't appear until LTC West ran for, won and then served as a Florida Congressman. The majority of the news regarding West was characterized as balanced which was surprising given that the news outlets were quite varied including, the Associated Press, CNN, Fox News, MSNBC, *Human Events The Guardian*, *National Review*, *The New York Times*, *The Washington Post* and others. Even when interviewers with a known conservative agenda asked West provocative questions about him 'getting a raw deal' he did not respond with any malice and considered his treatment to be just.

One can easily observe, from this collection of news, the intense political pressures that were applied at all levels of the government in this case. While some wanted West to go to

prison for his actions, others wanted him exonerated and nothing that the General Court Martial Authority (GCMA), 4th Infantry Commander, Major General Raymond Odierno did with this case would please everyone. At one point, West's lawyer, a retired Navy JAG Officer mused that if this hadn't come out in the press West would have been given a pat on the back, an 'atta-boy' along with a casual reprimand reminding him not to do it again.

Leadership Training and Ethical Pedagogy

The search for published work in the subject area of military ethics instruction and pedagogical methods does not disappoint. This section is organized roughly by source of the work. Representative selections have been chosen from three specific sources, namely Professional Military Education (PME), ethics and field journals and finally longform authors who have published books relevant to this paper's query. There are a few outlying works which do not fit cleanly into one of these categories and they are mentioned because of some unique contribution they offer to the discussion.

Professional Military Education

Not surprisingly, much of the discourse on military ethics comes from servicemembers themselves, who write while enrolled in professional military education. The most robust academic work in this grouping comes from students at the Senior Service Colleges (SSCs) which includes the U.S. Naval War College (USNWC), the U.S. Air War College (AWC), the U.S. Army War College (USAWC) and National Defense University (NDU). Most of these papers are academically rigorous, and some constitute master's or doctoral theses. There are several recurring themes and many areas where there is consensus on the need for more pervasive ethics instruction at these SSCs themselves. One tier down from the SSC work is the writing of the military officers engaged in Intermediate Level Education (ILE), which all Majors

must complete to be eligible to advance to Lieutenant Colonel. The Command and General Staff College (CGSC) at Fort Leavenworth hosts a digital repository of tens of thousands of papers on a wide array of subjects including a few strong reflections on the need for, and methods of, teaching military ethics. There are several other institutions of military education, including the United States service academies comprised of the Naval Academy (USNA), the Air Force Academy (USAFA), West Point (USMA) and the Merchant Marine Academy (USMMA). Though these schools include some of the best and brightest students and occasionally good articles and research emerge in the field of military ethics, the authors lack the relatable experience found in more senior Soldiers and Officers.

The first representative work in this collection is that of a colleague, Chaplain Major Light Shin. He, like many others, wrote extensively on the need to use the ILE break in an Officer's career to emphasize the teaching of ethics to the majors of the Army. Shin does a thorough job of recapping the Army's current ILE offerings for ethics training and then examines the efficacy of the current state. His methodology included studying the data from student course surveys and conducting exhaustive personal interviews. His conclusions lead him to recommend a greater integration of Army Design Methodology (ADM) through which a specific method is used to understand, visualize and describe the problem. This, he asserts, will better foster creativity amongst the students and help them to more firmly grasp and practice the concepts necessary for the Army ethic (Shin, 2016).

Chaplain Shin's contribution is important for several reasons. First, he is representing a very commonly held position that Majors, generally considered the center-of-gravity for the Army, should also be the prime recipients for ethics training. Situating the bulk of ethics training on ILE students, they will be equipped as senior Captains, or junior Majors to change command

cultures across the Army. Additionally, Shin's paper is insightful since he is both an experienced Ranger and a Chaplain. That unique combination helps him to have the vision of a pastor with the plans and actions of a special operator.

Another fantastic contribution in this category of writing is that of Army Lieutenant Colonel Beth Behn writing for the AWC as she completed her SSC. Her paper entitled *The Stakes are High* outlines the urgency of ethics training for senior military officers. As she intimates, while service members at all levels are sometimes prone to ethical failures, the downfall of senior leaders is particularly problematic for two reasons. First, when a senior leader collapses, it garners negative public attention and usually reflects terribly on the leader's branch of service in addition to themselves – it creates really-bad press. Secondly, when a leader fails, the wake of their failure is wide and deep. Their subordinates have lost a role model and instead been given another destructive example to point to. Behn suggests embedding ethicists at senior commands as part of an immersive solution to the ethical challenges facing high-ranking leaders (Behn, B. 2018, p. 13). Her research suggests that even if Chaplain Shin's instinct to focus training on mid-level leaders was implemented, it remains important to reinforce that training later in the careers of Senior Officers.

Behn's paper shares a theme with many others in the SSCs. There is a trend in these senior leaders' writing which indicates frustration about not being sufficiently prepared for the ethical dilemmas faced in a combat commander's career. Another example to be considered is that of Lieutenant Colonel Marc E. Belscamper, who wrote: *Ethics and the Army Total Force.* He too, draws attention to the many recent failures of prominent senior military leaders, but his emphasis differs slightly. Where Behn focused on the active duty force, Belscamper stresses that any training for ethics that is offered to curb the bad behavior of senior leaders must be offered

multi-compo, that is for active duty, national guard and reserves as well (Belscamper, M. 2017).

He also teases out some of the strategic implications of moral and ethical failures and, like Behn,

underscores the urgency of supplementing the current training. Making his point, he quoted the

then chief of staff of the Army, General Mark Milley:

> "Playing by the rules involves internalizing the warrior code of ethics. It is
>
> something you have to practice at 24 hours a day. Unethical actions not only can get you
>
> or your Soldiers killed, they can also hurt the Army" (Belscamper, M. 2017, p. 4).

Another fruitful discovery from this archive of student writing is that of Lieutenant

Colonel Jason S. Davis who writes an instructive how-to with his pragmatic war college paper,

Start with How: Improving Army Ethics Training. Like some of the journal writers researched

for this paper, Davis discusses the inadequacies of the current model of ethics training of the

entire force. He says the training and practice of ethics is far too reliant upon compliance rather

than ethical decision making. He further states that the Army encourages Soldiers to train to the

test rather than teaching them to think critically about these important issues.

Davis refers to and cites the Army ethic white paper commissioned by General Odierno

who was then serving as the Army Chief of Staff and credits this paper with highlighting the

need to address ethical concerns of the Army and make that effort a priority. However, Davis

seems to indicate that this framework is only a feeble start. The Army ethic white paper

emphasizes the need for leaders to understand why they make the decisions they do, though the

white paper fails to articulate any methods to assist in gaining understanding. Davis agrees that

Army leaders must fully comprehend the motivations for their decisions and be able to explain

their rationale to others. He asks the question; 'Why must the Army conduct itself morally and

ethically?', rather than simply relying on a principle-based Army ethic (CAPE, 2014). Davis

indicates that this paper does an excellent job of identifying the need for training on identity itself instead of merely addressing behavior by focusing on orthodoxy rather than orthopraxy; he seeks to provide some firm ethical framework on which to hang an Army professional ethic. Davis' writing does a much better job of suggesting a method for training the why instead of the what or how. This work along with the articles written by A.E. Major provide the clearest framework for designing a new ethical training model that could be rapidly tested and scaled up for widespread use (Davis, J. 2018).

Sadly, there are too few 'nuts and bolts' papers like this one. While many point out problems, research in the literature has yet to reveal an abundance of potential solutions. Davis, and the few who follow his lead in this area deserve much more review and study.

The final article in this section is entitled *The Importance of Ethics Education* and is written by Sergeant Major Florian Emonet of the Swiss Armed Forces. His article was written while he attended the U.S. Army Sergeant Major's Academy (USASMA). His work is especially insightful because he is one of a small chorus of voices who are advocating for training Soldiers at all ranks and levels. He decries ethics training which focuses only on the senior leaders. He argues that the young Soldier, sometimes known as the strategic Private, is also capable of learning and beginning to build a functioning ethical decision-making system. He suggests that they may be more in need of suitable ethics training and reminds readers of the potential impact of a bad ethical call made by a junior enlisted servicemember (Emonet, F. 2018). Emonet goes beyond identifying the need, suggesting that a train for trainers (T4T) approach may be best to introduce ethics to junior Soldiers. This approach offers a great deal of promise as it helps young troops learn from a peer and from one another as they enter a dialogue about the basics of ethical problem solving. He cites the documented success of ethics training

delivered pre-deployment, left of the boom, captured in William Wallace's 2008 study (Emonet, F. 2018, p. 5). Emonet's article is an important reminder that ethical training must not be simply top down, it must also be bottom up.

To recap; from these representative selections of the literature published by uniformed servicemembers attending professional military education (PME) there is vast agreement that there is a widespread character, leadership and ethical problem across our military forces. While the strongest cases seem to be made to train the Majors first and foremost, there is clearly a need to train the entire force from the newest Private to the most senior General Officers.

Professional Journals (mostly academics)

In the *Journal of Military Ethics*, Martin Cook has written a very intriguing article documenting one possible approach for teaching military ethics that he uses at USAFA and USMA. Using the 'Great Books' method of classroom discussion, the author's experience of teaching Thucydides for five years… suggests a highly effective method of exploring a wide range of topics in military ethics (Cook, 2006, p. 353).   By teaching through Thucydides' *History of the Peloponnesian War*, Cook touches upon many important ethical concepts. He often quotes Thucydides thus: "The society that separates its scholars from its warriors will have its thinking done by cowards and its fighting done by fools" (Cook, 2006, p. 354). This guided learning approach involves reading from seven to ten authors in a semester.

While it may be a good fit for the best and brightest at the academies, the widespread utility of this great books approach is doubtful, though it might also fit well in the SSC environment or even as an ongoing Officer Professional Development (OPD) reading administered by a senior leader to their staff. The idea of getting leaders to think critically about the ethical issues encountered in history and literature will certainly help them to identify and

process similar issues encountered on the battlefield. If nothing else, this approach will foster an atmosphere of reflection, and create more opportunity for left of the boom thinking about the ethical demands of combat.

One of the greatest contributors to the conversation regarding ethical training and education for the military comes from A. Edward Major, a civilian lawyer, ethicist and educator. He has published several articles over the last decade in *Military Review* and is a strong advocate for Ethics education at the SSCs like some of our other authors. Like Davis, underscoring the point of the army ethic white paper, Major speaks to the need to teach the why. He says leaders, especially senior leaders must not simply do the right thing but understand why it is the right thing and what the impacts of failing to act may be (Major, A. 2014). Although Major is underscoring the need to train senior leaders at the SSCs, he acknowledges that training is a career or rather life-long process stating, "Ethics is not mere abstraction, but rather an integral component of a leader's character. Leaders do not serve either their profession or country without ethics as their guiding light" (Major, A. 2014, p. 59).

There is much to be gained by comparing and contrasting the academics who are writing in journals which are sometimes esoteric and the writings of professional Soldiers. To begin with, the observations of the Soldiers have a ready credibility since they have been in the mud to see with their own eyes the ethical demands of combat. As a result, the solutions offered by servicemembers tend to be very pragmatic and they will quickly dismiss any unwieldy requirements layered upon their already busy training schedules. The academics on the other hand have distinct advantages as well. They can think outside of the box, that is, the current Army institutionalism which tends to limit creativity. They can borrow best practices from industry, and they are less likely to hold to old practices in the military because they are sacred

cows. Drawing from these two very different sources will allow for interdisciplinary or multi-disciplinary solutions that can be both innovatively creative and practically functional.

Full Length Books

There is a series of books on military and defense ethics that makes vital contributions to the field of military ethics education. Many of these volumes are collections of edited essays around particular themes. The first of these considered is *Empowering Our Military Conscience* (Wertheimer, R. 2016). This book has eight chapters and six of them contain large sections dedicated to military ethics education. In an essay from Roger Wertheimer, the reader encounters a new conception of the aspect of Just War theory mentioned earlier in this paper, Jus Ante Bellum (Wertheimer, R. 2016, pp. 161-164). This text, and these sections, offer the most cogent presentation for the urgency of ethical preparation for military leaders before they head off to battle.

Another book in this series is entitled *Ethics Education for Irregular Warfare*. The authors argue that since the 1991 Gulf War all skirmishes and military conflicts have been examples of irregular warfare and they contend that this is likely to be the model for the foreseeable future (Carrick, D., Connelly, J., Robinson, P., Lucas, G., 2009). While their earlier book has been revised, updated and rereleased, this title remains unchanged and still quite relevant to readers. The questions raised in this book include the concept of the 'three block War' coined by Marine Corps General Charles Krulak to describe the reality of urban combat for his ground force. He said, within blocks, his Marines were conducting conventional combat against insurgents, peacekeeping operations and humanitarian assistance (Carrick, D., Connelly, J., Robinson, P., Lucas, G., 2009, p. 37). This is just one of dozens of illustrations the authors use to illuminate some of the peculiar challenges of the current irregular warfare faced by the

force. The text goes so far as to suggest that this isn't really war at all and guides the reader through the implications of that possibility with regards to ethical conduct on and off the battlefield. This series of books and especially this text would be great resources for anyone teaching servicemembers military ethics.

An additional text that offers great utility for military ethics instruction is Bill Rhode's *An Introduction to Military Ethics*. While it is primarily written, as it is subtitled, as a reference manual, this book acts as an ideal primer for the military ethicist. As much other contemporaneous writing reveals, Rhodes emphasizes the need for ethics training to focus on the 'why' in military decision making. Rhodes goes further and helps readers and students to recognize that the study of military ethics is not theoretical but must be accompanied by moral courage and informed free will to do the hard things that must be done. "One can know what is best and fail to do it. Hence, it is important for the virtue theorist that people develop a certain self-mastery if they are to live well." (Rhodes, B. 2009, pp. 22-23). This work strikes an ideal balance between historical framework of philosophical ethics and applied pragmatism needed to be of great utility for servicemembers throughout our military.

The final text examined here is *Ethics Education in the Military*, another terrific compilation assembled by Paul Robinson, Nigel de Lee and Don Carrick. Like some of the other work in the field this book is a collection of essays written by a handful of the great voices in the field. Unlike some of the other work, this volume benefits from significant contributions from international militaries. It also examines many of the key challenges this project seeks to study including; 'who is the proponent for military ethics?', 'what should an ethics curriculum look like for the military?', and 'who should learn what?' in the field of military ethics (Robinson, P.,

Lee, N., Carrick, D., 2008). The various chapters in this book each offer unique insights into the field of military ethics.

Chapter thirteen on the ethics training for Samurai warriors offers readers insights into the ethics of ancient eastern Soldiers by examining the Japanese tradition of Bushido which is best defined thusly. "Bu-shi-do means literally Military-Knight-Ways; the ways which fighting nobles should observe in their daily life as well as in their vocation; in a word, the Precepts of Knighthood" (Robinson, P., Lee, N., Carrick, D., 2008, p. 196). This book offers a detailed and accurate assessment of the field of military ethics education that is essential to determine possible strategies to impart ethical training and a framework for helping Soldiers prepare for ethical dilemmas left of the boom.

Most of the few dozen relevant books on the subject of military ethics reinforce the observations of the academics writing journal entries (after all, many of these are from the same bench) but they also have a high level of agreement with the writings of the servicemembers. The arguments made in the full-length books have the advantage of depth and context. A few offer valuable insights into the history of ethics in our military and in historical forces around the world. While some are more pragmatic and easy to read, others get a bit academically abstract, but remain useful for the military ethicist in their training and preparation to teach others.

Final Thoughts Regarding Leadership Training and Ethical Pedagogy

The hunt for insightful and equipping resources and research on ethics and ethics-education in the military has led to considerable discovery. First, and most assuring, the broad collection of military professionals and academics who have thought about this problem and are working on solutions is considerable and impressive. Sadly, much of the research on the subject has yet to be implemented and therefore remains theoretical, lacking widescale implementation.

Still, as predicted, the bounty of research material and literature in the field is sufficient to warrant further study and exploration and has the potential to support the development of reasonable courses of action.

Secondly, there is a grand consensus that ethics can and must be taught amongst the writers. To this point the credibility of Emonet with his role as a senior enlisted advisor or Davis as a Battalion Commander of a rotary wing for the Army or Chaplain Shin who has served as the Regimental Chaplain for the 75th Ranger Regiment is weighed far more heavily than that of the pure academics. They have the bona fides and are recognized as authorities, credited with having been 'in the mud' to both encounter problems caused by the lack of ethics in leaders as well as implement practical solutions to those challenges. The lessons learned and practical solutions from these types of leaders are worthy of study and in many cases duplication. Their recommendations for ethical training models vary and that may indicate that any solution set will not be a one-size-fits-all, but instead will require flexible adaptation to the organization.

Finally, while there is consensus on many points, there is also a bit of divergence. The research indicates that there is widespread agreement that there is a problem with ethical and moral deficit across the U.S. Armed Services and most definitely in the Army, the primary subject of this research. However, some of those authors and researchers propose that the issues are best addressed at the Senior Staff Colleges aka War Colleges as the priority. There is tremendous wisdom in equipping senior leaders with a healthy dose of ethical training so that they might in turn affect and inspire their junior leaders and subordinates to serve and lead ethically and morally. Nonetheless, ethics training in the military is best addressed holistically and pervasively. In fact, it is such a cultural concern that it should be embedded in the training and equipping of every servicemember from the new boot recruit, to the Chairman of the Joint

Chiefs. Training and equipping Servicemembers to make ethical decisions they and the nation

will not regret, must occur frequently, for it is impossible to tell when the boom will come, and

this approach offers the best chance to get to the left of it.

Critical Thinking and the Development of Solutions

One of the major motivations for this project is the lack of a simply formulated, easily

comprehended and readily applied Ethical Decision-Making Model for the Army. Of course, the

Army has always taught ethics and moral principles as well as various decision-making systems,

but there has not been a concentrated effort to widely administer Ethical Decision-Making. For

the scope of this project existing guidance for decision-making will be evaluated, as well as

resources from the field of critical thinking and any theoretical military ethical decision-making

models that are available.

MDMP & Army Design Methodology

Ask any leader in today's Army what process the Army uses to make decisions and they

will answer MDMP, which is the Army's acronym for Military Decision-Making Process. The

MDMP is the Army's staple process and deliberate procedure for making decisions and it is

robust and thorough for carefully planning military operations. However, it is cumbersome, slow

and iterative in its structure and design, which is not particularly helpful in making short-fuse

ethical decisions with limited information. Though MDMP is embedded in many military

manuals and doctrinal publications, for the purposes of this project the *MDMP Handbook – No.

15-06* shall be referenced for simplicity's sake (U.S. Army, 2015). This manual opens with a

quote from General Patton, "A good plan violently executed now is better than a perfect plan

executed next week" (U.S. Army, 2015). As it applies to the primary case for this project, an

argument could easily be made that LTC West violently executed a plan rather than waiting for

the perfect plan that might come next week. In truth, decisive action is a quality praised in leaders and always involves a risk quotient because some degree of judgement is required of the leader making the decision. The Army cannot afford the leader who has become so risk averse as to suffer from the paralysis of analysis.

The intro to the *MDMP Manual* recommends that Army leaders employ three methodologies for planning and decision making. They determine the appropriate mix based on the scope of the problem and their familiarity with it, the time available, and the availability of a staff. Methodologies that assist commanders and staffs with planning include Army Design Methodology (ADM), the Military Decision-Making Process (MDMP), and troop leading procedures (TLP). The manual focuses on MDMP, but also includes a discussion of ADM, useful for this project. TLP are ignored both in the manual and in this project because they can be simplified as following orders and standing procedures. Before exploring MDMP and ADM further, it is valuable to mention that whatever Ethical Decision-Making Model is proposed or deployed, it must be integrated and nested into these existing planning and decision models being discussed even as it is evaluated as an independent construct.

The *MDMP Manual's* explanation of ADM is brief but a more thorough explanation is found in the *Army Doctrine Publication ADP 5-0 The Operations Process.* ADM is the accepted system of Army Methodology for applying critical and creative planning to understand, visualize, and describe problems before creatively solving them (ADRP 5-0, n.d.). Though ADM is frequently employed only to grasp and understand a problem prior to undertaking full blown MDMP, it is considered here because it affects the current processes used by the Army.

Army Design Methodology (ADM) entails framing an operational environment, framing a problem, and developing an operational approach to solve the problem. It results in an

improved understanding of the operational environment, understanding of the commander's intent, a problem statement, and an operational approach that serves as the link between conceptual and detailed planning. This process can be abbreviated but it is helpful to recognize that the Army already acknowledges the need for out-of-the-box thinking when unusual problems present themselves.

The MDMP itself usually consists of seven steps: receipt of mission, mission analysis, Course of Action (COA) development, COA analysis, COA comparison, COA approval, and orders production. The MDMP offers a proven analytical process that assists the commander and staff in developing, integrating, and synchronizing their plans (U.S. Army, 2015). The exploration of this process is useful for two primary reasons. First, by studying MDMP, an understanding of the Army leader's orientation toward their mission and decisions can be attained. It is possible to infer some insights into Army thinking and problem solving by understanding both ADM and MDMP. Secondly, briefly studying the ADM and MDMP methods and how leaders generate decisions on quick timelines reveals the inadequacy of these models to solve emergent, ethical dilemmas in real time. The weaknesses of ADM and MDMP for time-sensitive decisions for problems with significant ethical components prompts the search for other Army tools or training that might be better suited to those extraordinary circumstances.

Critical Thinking: The Concise Edition

There are many helpful texts available in the genre of philosophical logic and critical thinking that should be consulted if the Army is to truly consider developing and implementing a new Ethical Decision-Making Model. For the purposes of this project, *Critical Thinking: The Concise Edition* was chosen as a source to help craft, frame and revise new paradigms of ethical reasoning and problem solving for the Army. This text is a comprehensive introduction to the

essential skills of good reasoning, through treatment of such central topics as deductive and inductive reasoning, logical fallacies, how to recognize and avoid ambiguity, and how to distinguish what is relevant from what is not. The authors, William Hughes and Jonathan Lavery, are recognized leaders in this field and their work should provide valuable insights into creating a new model.

Chapter 3

METHOD

There are many useful ways to gather data, make observations, and generate theories employed in academic and scientific research. For this project the most appropriate and useful method is that of the Instrumental Case Study which allows latitude to test hypotheses against the particulars of a given case. Case studies are both hindered and helped by the experiences of the researcher. That experience will lead them to include some data and consider it important while setting aside other information as less relevant to their line of inquiry, without a strong objective basis for doing so. Because of the informality of case studies, great care must be taken to avoid confirmation bias (Stake, 2015. p. 49).

Robert Stake, a leader in this method of data collection, offers some important advice to mitigate the potential pitfalls associated with the case study. He suggests several methods for calibration of understanding, including routinely submitting case study materials to colleagues for assessment, specifically asking them to test the veracity of the claims being made and to help determine if adequate objectivity is maintained (Stake, 2015. p. 50). Another technique he recommends is a triangulation of data from a variety of sources including those with alternative viewpoints or positions if possible. Because the primary case, the instrument, may just as likely refute the initial thesis as support it, the researcher must honestly reflect on findings and avoid tailoring results to support preconceptions.

Though he deviates from this model slightly with his structure for Instrumental Case Studies, Stake recommends a generic iterative seven-step process when it comes to managing a case study. These steps include:

I.   Anticipation – where the researcher works to identify what the current discussion about the topic or subject includes and to develop hypotheses.

II.   First Visit – Study the people or subject and establish a baseline understanding.

III.   Further Preparation for Observation – What can be observed? What other viewpoints may be suggested by initial inquiry?

IV.   Further Development of Concept – How is the original hypothesis holding up? What method best communicates initial findings?

V.   Gather & Validate Data – What trends are present? Where do sources agree? On what do they disagree?

VI.   Analysis of Data – What is the data saying? Are the findings clear? Is more, or different investigation called for?

VII.   Explain it to an Audience – What are the legitimate takeaways from this case study? How does this further the understanding of the questions which prompted the inquiry? (Stake, 2015. p. 54).

Though this case study model is broadly recommended by Stake for all sorts of research, he does suggest slight deviations from it when conducting an Instrumental Case Study (ICS). ICSes are conducted to gain greater understanding of a specific phenomenon, developing a new theory or testing an existing theory (Stake, 1995). This project asserts that that the current ethical training and preparation of Officers in the Army is inadequate for the moral ambiguities and ethical dilemmas they frequently encounter both at home in peace and deployed in combat. This thesis is tested against the case study of LTC Allen West and his unauthorized and

unorthodox interrogation of an Iraqi Police Officer in Saba al Boor in August 2003 (Ricks, 2003).

Case studies were initially used in disciplines with hard data, such as the sciences. Helen Simons, writing *Case Study Research: In-Depth Understanding in Context* for *The Oxford Handbook of Qualitative Research* contends that case studies can shed light on many other subjects. Simons contends that that quantitative research including surveys, empirical studies, statistical analysis, and controlled experiments are ineffective for the type of qualitative evaluation that case studies yield (Simons, 2014). She asserts that data can be manipulated to support all sorts of conclusions in research and that researchers across fields of education, sociology and psychology have been invested in a "quiet methodological revolution" over the last forty years in an effort to discover new paradigms and solutions to troubling and persistent problems (Leavy, 2014. p. 456). The desire to re-examine long held Army training and methods and to use findings to develop a new approach to ethical decision-making makes the instrumental case study the most efficient model for this inquiry.

One of the best aspects of case study research is that it dares to challenge long-held truths and to evaluate the efficacy of existing methods by challenging both assumptions and results. Instead of searching for norms, researchers often choose to study cases that define exceptions and to capture possible causes through careful study of case details. Some will dismiss any inferred findings from instrumental case studies because they are, by definition, made from 'samples of one' but this is where the researcher must combine existing scholarship and ideology to the uniqueness of each case to see if some broader truths have been revealed in the findings or observations (Simons, 2014). Though the findings may in some cases be anecdotal, they should be convincing and warrant further study to see if they are duplicatable.

In the LTC West case, it is possible to reach the wrong conclusions. If his choices and behaviors revealed through the ethical crucible of his experience demonstrate that he was ill-equipped to lead in that difficult circumstance, more threads must be pulled to determine if the gap in knowledge was due to a systemic and programmatic problem or whether he was simply inattentive as a student in the training he received. On the other hand, if his actions throughout his dilemma are judged as heroic, admirable or somehow demonstrable of tremendous character, closer scrutiny is called for to see if his experiences revealed innate traits or if he is the product of excellent training and preparation.

The working hypothesis for this project is that the Army did not have an adequate ethical framework or system that would have prepared LTC West to better handle his predicament. Ultimately, if this proposition is correct, and Officers including West have been inadequately prepared, the project must pontificate and ponder what training may have assisted him and whether a better equipping in ethical decision-making would truly have changed any outcomes in this case. We shall determine below whether our working hypothesis is to be retained or rejected.

Chapter 4

RESULTS

Reviewing LTC West's actions on 20 August 2003 provides valuable insights into the efficacy of the Army's Ethical Leadership training as it existed throughout his career. This author takes caution to avoid coming to hasty conclusions based on preconceptions or limited inputs while attempting to assess West's dilemma. Some key questions for investigation include: Was LTC West acting in accordance with his training and experience? Was the Ethical Decision-Making Model (EDMM) prescribed by the Army sufficient for his situation? Were his actions the result of a genuine ethical dilemma? And finally, if West's training and EDMM were insufficient, as the working hypothesis of this project asserts, what were they lacking and how might it be reimagined or better taught?

To evaluate the LTC West case as objectively as possible it is important to explore and understand the ethical guidance and the Army's Ethical Decision Making Model that was in place while he was in command in 2003 and during West's Professional Military Education (PME) as a Field Grade Officer. Field Manual (FM) 22-100, entitled *Army Leadership -BE, KNOW, DO*, was the primary reference and training document used to develop and regulate superior leaders in the U.S. Army until it was superseded in 2012. Two successive editions of FM 22-100 were current during LTC West's career as an Army Officer. The first was published in 1990 and the version that was current during LTC West's 2003 combat deployment in Iraq was published in 1999. Both of these editions of the manual include much of the same ethical leadership guidance and direction, but the later version also included dozens of illustrative scenarios and examples of 'real-world' ethical dilemmas that add to the applicability and understanding of these leadership concepts.

FM 22-100 (1990 Edition)

Notably, the refinement of the guidance for ethical decision-making was sharpened significantly between the two editions of this manual. The earlier manual includes a section titled *Ethical Responsibilities of a Leader* which listed three primary ethical duties for leaders. These were, first, being a good role model; second, developing your subordinates ethically; and third, leading in such a way as to avoid putting subordinates into ethical dilemmas (U.S. Army, 1990). While this is sound advice for leaders in any organization, the third responsibility should not be understood to assert that leaders can insulate their subordinates from all ethical quandaries. Ethical dilemmas will occur, and it is best to prepare Soldiers with proper analytical tools ahead of time, equipping them to make the best decisions possible in any circumstances. This language was deleted in the 1999 version of the FM where it is more clearly articulated that leaders must prepare their Soldiers for all sorts of potential predicaments, while reinforcing the imperative that leaders should never cause their subordinates to face unnecessary dilemmas.

This version of *Army Leadership* contains a brief Ethical Decision-Making Model (EDMM) which is included here primarily to note its shortcomings for the young Officer Allen West, and his contemporaries. The 1990 version of the EDMM reads as follows:

Step 1. Interpret the situation. What is the ethical dilemma?

Step 2. Analyze all the factors and forces that relate to the dilemma.

Step 3. Choose the course of action you believe will best serve the nation.

Step 4. Implement the course of action you have chosen.

Regarding Step 1, Soldiers who looked to the 1990 manual received little help in understanding ethical dilemmas. Trying to encourage the use of the above 4 step EDMM, the 1990 version of FM 22-100 says "True ethical dilemmas exist when two or more deeply held

values collide. In such situations, using a decision-making process can help you identify the course of action that will result in the greatest moral good" (U.S. Army, 1990, p. 31). This statement begs several questions including, whose 'deeply held values', the leader's or the Army's? Also, how is a leader to calculate the 'greatest moral good'? This early model assumed a deep understanding and capability for leaders to apply the lessons of utilitarianism; an understanding not given or fostered by the manual. Utilitarianism, and its place in an EDMM, is discussed at some length later in this work.

Regarding Step 2, the guidance to analyze all the factors and forces related to the dilemma is impractical. Leaders on the battlefield are never omniscient and often have their perspective and view obstructed by the exigencies of warfare, what Clausewitz termed the "Fog of War" (Elward, 2010). Modifying Step 2 to acknowledge this limitation is critical when considering the process of ethical decision-making for Army leaders. Leaders should be encouraged to collect as much information as possible in the available timeframe and to avoid making major decisions in a vacuum whenever possible. Once again, observe that this was the extant guidance for LTC when he was a young Captain (CPT) fighting in the Gulf War and his later leadership as a Battalion Commander drew upon this early experience. One potential modification of Step 2 would be, 'Given all of the available information about a dilemma, ask- is it possible to come to an informed decision?'.

Later in this edition of the manual, there are some suggestions given as to which 'external forces' influencing a dilemma may need to be considered. These include laws, orders and regulations pointing toward a deontological approach without ever articulating it clearly (U.S. Army, 1990. p. 32). Additional mentioned influencers include national values enshrined in the Declaration of Independence and the Constitution, but again the mention and recommended

reliance upon these great documents assumes a level of general familiarity and depth of expertise that is rare among Army leaders. There is also an allusion to a virtue-based ethic pointing toward a consideration of Army Values, Unit Values, and individual Values but this is not deeply explored in this manual. Subordinating these important philosophical and ethical approaches under the problem solving of Step 2, creates more confusion than understanding.

The third Step, 'Choose the course of action you believe will best serve the nation' oddly assumes that tactical level leaders consider the national utility of their actions. This logic falls apart very quickly when put to the test. Consider the following hypothetical chain of logical fallacy. America was attacked by Islamic terrorists; Islamic terrorists could not exist without Islam; the Mosque in front of me (in a combat zone) is promoting Islam and potentially fomenting Islamic Terrorism; therefore it is in the nation's best interest that this Mosque should be destroyed. It is difficult to rely upon elected officials to appropriately determine what is and is not in the nation's best interest or what serves the nation; it is totally unreasonable to expect a tactical level Army leader to master the national implications and potentialities of their present ethical dilemmas.

Despite the criticisms, pointing largely at the incomplete nature of the model, the guidance is generally good about reminding leaders to consider more factors than what is immediately apparent in a situation. In 1990, when this manual was published, the Seven Army Values had not yet been articulated in their current arrangement and the manual states that the "FOUR ELEMENTS OF THE PROFESSIONAL ARMY ETHICS are Loyalty, Duty, Selfless Service and Integrity" (U.S. Army, 1990). The later leadership manuals have added Honor, Personal Courage and Respect to that list, and it is memorized using the acronym LDRSHIP. LTC West had these initial four values or virtues repeatedly drummed into him during his time

as a distinguished Reserve Officer Training Corps (ROTC) cadet, at his Basic Officer Leadership Course (BOLC) and at his Captain's Career Course (CCC). These formative experiences for LTC West drew heavily on the 1990 version of FM 22-100 and his actions are fairly measured against the directions it contains. As mentioned previously, this manual expects leaders to consider national values, Army values, unit values and personal values when facing ethical dilemmas. Given that ethical dilemmas are often time-sensitive, the need to discuss and culturally integrate and nest these values would seem to be during normal operations and training, long before ethical crises appear.

Evaluating LTC West's choices and the Army culture and systems that trained and equipped him requires multi-directional analysis. Several of the interviews with West following his incident included statements and contentions that demonstrated his tendency to place virtue over principle. To assess those claims, the following virtues-based assessment of West's actions surrounding the August 20th incident considers the original four modern Army Values of Loyalty, Duty, Selfless Service, and Integrity. Borrowing from Aristotle, we shall look for evidence of the virtue as if it were a 'Golden Mean' between two potential vices (Aristotle & Sachs, 2012).

Loyalty

Bear true faith and allegiance to the U.S. Constitution, the Army, your unit and other Soldiers. Bearing true faith and allegiance is a matter of believing in and devoting yourself to something or someone. A loyal Soldier is one who supports the leadership and stands up for fellow Soldiers. By wearing the uniform of the U.S. Army, you are expressing your loyalty. And by doing your share, you show your loyalty to your unit (Army Values, n.d.).

Loyalty thought of as an Aristotelean Golden Mean lies between the complete disregard for others found in a self-absorbed individual and someone who follows blindly with absolute

devotion and will uphold loyalty without concern of potential harms in doing so. Observe the Army's purposeful stacking of loyalties where Soldiers are duty-bound to the Constitution first, then the Army, then the local unit and finally fellow, or subordinate Soldiers. This is wise and intentional with regards to organizational leadership. There are many great generals around the world who are fanatically loyal to their Army, but have little regard for their country; it is essential for Army leaders to properly nest and subordinate their loyalties as the Army definition presents them.

In LTC West's case, he demonstrated great loyalty and could be called a true patriot based on his service record and his continued service to the nation after retiring from the Army. However, West inverted his loyalties by placing his men first. Richard Berry's biography of West indicates that he learned at an early age from his brother, a Vietnam Veteran and his Father, a World War II Veteran, that his highest priority was to protect his men (Berry, 2008. p. 59). This is an honorable mission and one which all commanders should have in mind as they lead troops into battle. However, even this honorable conviction can miss the mean. When interviewed about the 20 August incident and asked what was most important to West leading up to those moments, West replied immediately, "Protect my men!" (p. 60).

West possessed and displayed loyalty to his men but was deficient in the Army Value of Loyalty in that he inverted his priorities. He was so convinced of the plot to assassinate him and to attack his men, he appears to have forgotten that in war, enemies will attack, and this is to be anticipated as normal, not extraordinary. His desire to protect his men could easily have put others in jeopardy by violating rules of war and terms of the Geneva Convention; his actions could be used to justify illegal or unethical actions from enemy combatants in the future. By

being so loyal to his men, West unintentionally became disloyal to the Constitution, the United

States and the U.S. Army.

Duty

Fulfill your obligations. Doing your duty means more than carrying out your assigned tasks. Duty means being able to accomplish tasks as part of a team. The work of the U.S. Army is a complex combination of missions, tasks, and responsibilities — all in constant motion. Our work entails building one assignment onto another. You fulfill your obligations as a part of your unit every time you resist the temptation to take "shortcuts" that might undermine the integrity of the final product (Army Values, n.d.).

Determining a mean value for duty proves to be difficult. It lies somewhere between

obsessive workaholism and lazy nonchalance. Soldiers will sometimes say duty is about getting

the job done no matter how tough it gets. This definition has additional layers of meaning that

are relevant to West's leadership and ethic. First, there is the need to operate in a team, or as

Retired General Stanley McChrystal put it in a "Team of Teams" that is vital to completing the

individual duties of members fulfilling an interdependent set of missions to serve a greater end

(McCrystal, 2015). From this reference to team, Soldiers are to understand that there is a bigger

picture than what they can see from their foxhole and that every leader is him- or herself

responsible to the authorities over them. Being a leader in the U.S. Army means that you are not

an independent operator who is free to makeup their own rules when they perceive the need.

West took his mission very seriously, but his own testimony would suggest that he

considered his number one mission to be to protect his men. His actual mission was to help the

Iraqi Army run local elections and to stamp out insurgents (Berry, 2008. p. 6). This confusion of

mission priorities made it difficult for West to fulfill his duties. Additionally, his overemphasis

on his self-assigned mission caused him to isolate from his higher headquarters and to fail to subjugate himself to the greater team.

The second insight from the Army's detailed definition of Duty is that leaders don't take shortcuts. The initial intelligence that West had been given about an imminent attack indicated that it may involve snipers or roadside bombs. It was used to justify the use of force and the threat of murdering the detainee, Iraqi policeman Yahya Jhodri Hamood. This represented a major shortcut in Army protocol and procedures. To begin with, if the attack was believed to be based on the current tactics techniques and procedures (TTPs), simple changes to routes and timing of patrols would have greatly reduced risk to West and his men. There was also the possibility of suspending patrols until intelligence could be gathered in an approved manner. There was no 'ticking time bomb' in this scenario and West took shortcuts unnecessarily because his judgement became clouded by emotion. By placing his self-assigned mission before the one he was ordered to carry out, West failed to demonstrate the Army Value of Duty during this period of his career.

Selfless Service

Put the welfare of the nation, the Army, and your subordinates before your own. Selfless service is larger than just one person. In serving your country, you are doing your duty loyally without thought of recognition or gain. The basic building block of selfless service is the commitment of each team member to go a little further, endure a little longer, and look a little closer to see how he or she can add to the effort (Army Values, n.d.).

This is yet another virtue which West possessed but which may have been slightly misdirected. Ask any Soldier who they will bleed for and you are likely to hear for the Soldier to their right and their left. If that Soldier has a very good relationship with their commander, they may also say, 'for the commander' as many of West's Soldiers did (Berry, 2012). He was

fiercely loyal to them and they were dedicated to him. He served his Soldiers selflessly and had little regard for himself in the traditional sense.

However, the Army doctrine writers once again have shown great wisdom by ordering the welfare as they have with the nation first, the Army second, the leader's subordinates third, followed lastly by personal welfare. There is little evidence that West concerned himself with the priorities of the nation or the Army, though he was extremely selfless toward his men.

Integrity

Do what's right, legally and morally. Integrity is a quality you develop by adhering to moral principles. It requires that you do and say nothing that deceives others. As your integrity grows, so does the trust others place in you. The more choices you make based on integrity, the more this highly prized value will affect your relationships with family and friends, and, finally, the fundamental acceptance of yourself (Army Values, n.d.).

The Army Value of Integrity is nearly identical to the term's usage more broadly in American culture. People of integrity do the right thing, even when no one is looking. According to this definition, Army Integrity requires that you adhere to moral principles. The only moral principle detailed here is honesty. The fact that it is the only moral principle listed indicates that being a man or woman of your word; doing or saying nothing which deceives others, is highly prized in Soldiers and Army leaders. Given that the entire interrogation of Hamoodi was said to have deceived him into thinking that his life was genuinely in danger, it was entirely predicated on that deception. Official Army interrogators, like civilian policemen, are not forbidden to deceive, but there are strict rules about their methods which dictate what they can lie about. The Army Field Manual on interrogation in place at this time, FM 34-52 *Intelligence Interrogation*, specifically forbade interrogations that involve placing hoods over detainees' heads, beatings and other forms of physical pain, forcing prisoners to perform sexual acts, and waterboarding. Interrogators could not humiliate detainees, threaten to revoke legally

guaranteed protections if they do not cooperate, or even threaten to hand them over to someone else who may abuse them (Waddell, 2014; U.S. Army, 1992). The Interrogation manual only allowed for limited questioning at the point of capture of any Enemy Prisoners of War (EPWs). Questioning beyond that done in the initial capture was required to be completed by a trained, certified interrogator under appropriate internal or external supervision (U.S. Army, 1992).

West and his men deceived Hamoodi into believing that his life was in danger as a method to expediently extract intelligence. In addition to already mentioned breaches of trust or responsibility, this interrogation did not follow the standards set out in FM 34-52. A case could also be made that West, the senior ranking Soldier at the incident deceived some of his own Soldiers. One of them testified during the Article 32 hearing "I didn't know it was wrong to hit a detainee. I would have expected someone to tell me it was wrong" (Berry, 2008. p. 42). West allowed his Soldiers to believe that what they were doing was allowed when he clearly understood it to be a violation. In deceiving his Soldiers, West not only failed to be an example to them and lead them ethically, but he demonstrated a deficiency in the Army Value of Integrity.

FM 22-100 (1999 Edition)

This edition of the Army's leadership manual was published when LTC West was a Field Grade Officer and mid-way through, what was likely to be, a long and successful career. He received training based on the 1999 edition of FM 22-100 in his Intermediate Level Education (ILE) at the Command and General Staff College (CGSC). West would be expected to be as familiar with this edition as with the previous edition he studied earlier in his career, however the evidence suggests that he may not have fully integrated the changes of the revised doctrine into his leadership. Broadly speaking, this edition cleared up much of the confusion regarding ethical

development, character and ethical decision-making and significantly updated the *Leadership*

Field Manual. Importantly, this update included the three newly adopted additional Army

Values or virtues bringing the total to Seven, which are still used today. The Seven Army

Values prescribed in this FM are Loyalty, Duty, Respect, Selfless-Service, Honor, Integrity and

Personal Courage and they are memorized using the mnemonic acronym LDRSHIP. Given that

this update was published four years prior to LTC West's ethical dilemma, it is fair to assess his

performance considering all its contents and with some evaluation of his adherence to the three

new additions to the Seven Army Values (virtues).

The addition of Honor, Personal Courage and Respect to the Army's emphasized key

values came at a time when senior leaders were concerned about the lack of these values and

virtues among rising Soldiers and leaders across the Army. Where previous generations had a

recognizable intersection of the legal, ethical and moral positions widely held by Soldiers, the

Army seemed to be preparing for a less ethically and morally homogenous force as it entered the

twenty-first century. One section of the 1999 edition articulates it this way:

> As America becomes more culturally diverse, Army leaders must be aware that they will
> deal with people from a wider range of ethnic, racial, and religious backgrounds.
> Effective leaders are tolerant of beliefs different from their own as long as those beliefs
> don't conflict with Army values, are not illegal, and are not unethical (U.S. Army, 1999,
> p. 38).

This addition also addresses the problem of illegal orders, which could arguably be applied to

West's Soldiers who beat the detainee in custody. The manual says, "In extremely rare cases,

you may receive an illegal order. Duty requires that you refuse to obey it. You have no choice

but to do what's ethically and legally correct" (U.S. Army, 1999, p. 39).

This edition of this manual also includes emphasis on the need for a leader to maintain

self-control and not to let their emotions get the better of them. Although Richard Berry praises

this emotional leadership component of LTC West in his book, *A Missing Link in Leadership-the trial of LTC Allen West*, that is in contradiction to the emotional self control and restraint suggested in the 1999 FM. The manual says that to make right and ethical choices, you must remain in control of yourself. You must remain calm under pressure and, with an unintended tip of the hat toward the Stoics, you must "watch your lane, and expend energy on things you can fix. Inform your boss of things you can't fix and don't worry about things you can't affect" (U.S. Army, 1999. p. 51).

This update continued by including tremendous insights into how leaders can maintain self-control through balance and stability. Citing the *1917 Non-commissioned Officer's Manual* the new FM stated: "An officer or non-commissioned officer who loses his temper and flies into a tantrum has failed to obtain his first triumph in discipline" (U.S. Army, 1999. p. 52). Once again, it is important to acknowledge this version of the *Leadership Manual* was required reading for all Army Officers in 2003 when LTC West's incident took place. During his Article 32 Hearing, the prosecuting attorney, CPT Magdalena Przytulska, presented a document of West's typed statement following the August incident. She asked him to read his own written words to the court: "In my anger, I couldn't remember how many shots were fired" (CNN, 2003; AP, 2003). This admission of West to the loss of his temper, provides an important counternarrative to the controlled and composed calculated interrogation presented and packaged in all of West's interviews and personal statements. West would have done well to heed Aristotle's warning on this subject, "Anyone can become angry—that is easy. But to be angry with the right person, to the right degree, at the right time, for the right purpose, and in the right way—that is not easy" (Aristotle, n.d.). Getting these elements right, in the correct proportion and in the right context is what Aristotle would have considered virtuous.

During the August 20th incident, LTC West lacked stability and his actions were fueled by emotion which may have obscured his judgment as a leader. Again, the *1999 Leadership Field Manual* offers practical wisdom that should have benefited West. "Never let yourself be driven by impatience or anger. One always regrets having followed the first dictates of his emotions" -Marshal de Belle-Isle French Minister of War, 1757-1760 (U.S. Army, 1999. p. 52). The manual elaborates thus "Effective leaders are steady, level-headed under pressure and fatigue, and calm in the face of danger. These characteristics calm their subordinates, who are always looking to their leader's example" (p. 52). The fear and intensity that LTC West felt was contagious, because he believed he and his men were in imminent danger and he let it show; it spread easily among his subordinates.

This version of the FM continued with a robust section on character, which, it asserts, is tempered by the fire of combat. "Character helps you determine what's right and motivates you to do it, regardless of the circumstances or the consequences. An informed ethical conscience consistent with Army values steels you for making the right choices when faced with tough questions" (p. 53). The dilemma faced by West on August 20th and the days leading up to it offered a great opportunity to display steadiness and calm during apparently urgent and dire circumstances.

LTC West had a chance to demonstrate that Americans are principled and hold fast to the Army Values guiding standards of conduct which included the newest additions of Honor, Personal Courage and Respect. It is valuable to briefly consider next the values or virtues added in the update of the FM.

Honor

> Live up to Army values. The nation's highest military award is The Medal of Honor. This award goes to Soldiers who make honor a matter of daily living — Soldiers who develop the habit of being honorable and solidify that habit with every value choice they make. Honor is a matter of carrying out, acting, and living the values of respect, duty, loyalty, selfless service, integrity and personal courage in everything you do (Army Values, n.d.).

Honor is a virtue which does not fit with Aristotle's Golden Mean conception. Aristotle considered true honor to be a natural by-product of a virtuous life and not something to be pursued independently. It is impossible to imagine someone with too much honor, though dishonorable people abound, even in the Army. It is interesting that the Army definition references the Congressional Medal of Honor (MoH) which it says is awarded to "Soldiers who make honor a matter of daily living" (U.S. Army, 1999). This definition implies that it is not the heroic act in the citation of a MoH recipient but thousands of daily routine honorable choices that make an honorable Soldier.

Honor dictated that West treat his prisoner in a fashion that cannot bring embarrassment or shame to West, his Soldiers, his unit, the U.S. Army, or the United States of America. War is a terribly bloody mess and it would be unfair to say that honor is easy to come by on the battlefield. However, aside from contemporary criticisms from pacifists and human rights groups, history tends to judge harshly those who violate codes of honor, even in a time of war.

Personal Courage

> Face fear, danger or adversity (physical or moral). Personal courage has long been associated with our Army. With physical courage, it is a matter of enduring physical duress and at times risking personal safety. Facing moral fear or adversity may be a long, slow process of continuing forward on the right path, especially if taking those actions is not popular with others. You can build your personal courage by daily standing up for and acting upon the things that you know are honorable (Army Values, n.d.).

The Golden Mean of Courage as an Aristotelean virtue lies between the vices of cowardice on one end of the spectrum and brashness on the other. Many argued that LTC West showed great Personal Courage by his willingness to go outside of the Uniform Code of Military Justice (UCMJ), the Law of Armed Conflict (LOAC), and the Rules of Engagement (ROE) to conduct an unauthorized interrogation using unapproved methods, because he took full responsibility. It was courageous to own his actions and to admit his transgressions, but one must ask; is it more courageous to break rules for an apparent quick win or to follow the rules even though that path may be more dangerous? By dismissing all established authority and regulations above him, West demonstrated great hubris, driven by a desire for preservation of his men and himself above all else. In his moment of crisis, West became an authority answerable only to himself.

West's actions might easily be considered virtuous, because of his apparent love and devotion to his men. He stated in his hearing and repeated in several subsequent interviews that for his men, he would "go to hell with a gasoline can in my hand" (Gomez, 2003). While that statement indicated a strong commitment to the Army value of Loyalty, even that is incomplete because his loyalty to his men required a breach of trust or loyalty to his superiors and to the rules and regulations of an Army at war. The Personal Courage required by the Army cannot be viewed too narrowly. "Army leaders who do the right things for the right reasons—even when it would be easier to do the wrong thing—create a healthy organizational climate" (U.S. Army, 1999).

True acts of Personal Courage are those that are remembered as heroic. Someone who is willing to risk their life for the sake of their comrades can be said to have demonstrated Personal Courage. Acts of Personal Courage are unquestionably honorable. Threatening, beating, and

intimidating a prisoner is dishonorable and therefore cannot be counted as courageous, though

there was courage and integrity displayed when West took full responsibility for his actions.

Respect

> Treat people as they should be treated. In the Soldier's Code, we pledge to "treat others with dignity and respect while expecting others to do the same." Respect is what allows us to appreciate the best in other people. Respect is trusting that all people have done their jobs and fulfilled their duty. And self-respect is a vital ingredient with the Army value of respect, which results from knowing you have put forth your best effort. The Army is one team and each of us has something to contribute (Army Values, n.d.).

Perhaps Aristotle might place Respect between unchecked reverence and humiliation. In

the Army's usage of this value, Respect is basically a reimagining of the Golden Rule of

Christianity. Though this Army Value is written to foster a respectful work environment for all

Soldiers and is therefore focused internally on the institution, the value and virtue of respect is

also expected of Soldiers as they deal with all other people including enemy combatants. West's

treatment of the detainee was not consistent with the expected Army Value of Respect. Hamoodi

was physically harmed and humiliated in the process of the interrogation. Regardless of whether

utility was served, the disrespect shown to him can not be rationalized or justified.

The Revised EDMM and Conceptual Skills

In the *1999 FM 22-100 Army Leadership* manual, there is a new section titled *Conceptual*

Skills. It is there that three relevant subsections appear: Critical Reasoning, Creative Thinking

and Ethical Reasoning, which includes a revised Ethical Decision-Making Model. Before

examining the revised EDMM, it is useful to consider the text and elements of the *Conceptual*

Skills section as it applies to the LTC West dilemma.

Critical Reasoning. "Critical reasoning helps you think through problems. It's the key

to understanding situations, arriving at justifiable conclusions, making good judgments, and

learning from experiences—in short, solving problems. Critical reasoning is an essential part of ethical reasoning, another conceptual skill" (U.S. Army, 1999. p. 87). This skill as discussed in the manual requires that leaders get past the surface of the problem and consider it in depth. It requires analyzing problems and situations from multiple viewpoints and perspectives to grasp a more complete understanding of complex issues or challenges. Often critical reasoning must be employed at the offset of a thorny issue simply to discern and determine what the real problem is.

In the case of the alleged plot to assassinate LTC West and others, the real problem, one which has persisted throughout the Iraq War, may have been the issue of trust. The United States military and other coalition forces deposed Saddam Hussein and quickly set about to promote democracy while attempting to keep Al Queda and other bad actors at bay. LTC West's mission at the time of this incident was to partner with local leaders and to ensure a free and fair election. Nothing threatened this mission more than the violation of trust between Iraqi locals and the U.S. Military. When the Iraqi policeman Hamoodi was identified as a conspirator in the plot against West and his men, this represented a breach of that trust and set the mission back. However, a far greater breach of that trust occurred because of the beating and threatening of Hamoodi while he was detained. West's reasoning would have benefited greatly from taking the time to perform this critical reasoning and analysis, and he might have realized that the supposed imminent threat he and his men faced was not the primary problem that he was contending with.

Creative Thinking. Though this section in the FM is short, it is nonetheless important. Creative and imaginative thinking is encouraged when a leader faces a problem set that they had not previously encountered. The manual encourages leaders to solicit ideas and solutions from their subordinates and to explore the best ideas as potential Courses of Action (COAs) no matter

who they originated with (U.S. Army, 1999. p. 88). There are additional benefits to fostering creative thinking among a group or unit. First, by taking time to articulate and explain the problem to the Soldiers in a unit, the leader must clearly pause and ensure that they personally fully understand the problem. This may seem obvious, but the sworn statements of several of West's Soldiers indicate that they had very little understanding of the Hamoodi situation, even as they sped off to the interrogation site where the abuse and assault would soon take place (CID, 2004). Additionally, by sharing the details of a problem and soliciting creative thinking one is bound to hear opposing views which may not have occurred to the leader initially; this will necessitate that the leader defend and support their intended COA to their team, or explore alternatives. The commander is still in charge and ultimately his or her decision will determine the action plan, however the team will have been strengthened and everyone will better understand why they are doing what they are doing.

Ethical Reasoning. "Ethical leaders do the right things for the right reasons all the time, even when no one is watching" (U.S. Army, 1999. p. 89). That sounds good and might make for a wonderful inspirational poster. It also sounds very much like the everyday definition of integrity mentioned previously. However, figuring out what's the 'right' thing is often, to put it mildly, a most difficult task. Yet, "to fulfill your duty, maintain your integrity, and serve honorably, you must be able to reason ethically" (p. 89). The introduction to this section illuminates the need for the training of Soldiers and leaders in ethical reasoning and to equip them with a practical and easily utilized EDMM.

One might argue that in West's case he did not have time for ethical reasoning or to exercise any other conceptual skills. The manual anticipates this objection and concedes that there are occasions when there is truly little, or no time and a leader is forced to make a snap

decision based on experience and intuition about what feels right. In these rare instances, FM 22-100 says that leaders must rely upon the Army Values, Institutional Culture and Organizational Climate to make their decisions (U.S. Army, 1999. p. 89). Notably absent from this list is personal conviction or feelings. In LTC West's case, the Article 32 Hearing produced evidence that the DIVARTY Commander, (COL) Stamara, had already ordered West and the others named in the intelligence about the supposed assassination to stay on FOB Gunner until the threat was investigated and eliminated. He and his men were in no immediate danger if they followed the DIVARTY Commander's directive and employed additional force protection methods. West's choice to make a snap decision and personally interrogate Hamoodi was not dictated by an urgent situation, but the facts indicate that it was driven by an emotional need to eliminate a perceived threat directed at him and his men as quickly as possible.

The manual continues to caution leaders regarding poor decision-making by indicating that they should not get comfortable making snap decisions. When it is impossible to consider alternatives, seek advice and think things through, leaders are authorized to make what it calls "deliberate decisions", though even that term implies thoughtful reflection and consideration (p. 89). However, even when snap decisions are unavoidable, *Army Leadership* still requires the following: "First determine what's legally right by law and regulation. In gray areas requiring interpretation, apply Army values to the situation. Inside those boundaries, determine the best possible answer from among competing solutions, make your decision, and act on it" (p. 89). The section continues warning, "In many decisions, you must think critically because your intuition—what feels right—may lead to the wrong answer. In combat especially, the intuitive response won't always work" (p.89). Though this section seems as though it could have been

written in response to the West scenario, it's vital to recall that its guidance preceded his actions by four years.

This version of the FM even anticipates the unlikely scenario where an Army leader might need to determine that a rule or regulation doesn't apply and should therefore be thoughtfully set aside. This represents one of the hardest tasks for Army leaders and should only be done when the situation faced falls well outside of the set of conditions envisioned when the rule or regulation was written. In West's case, the humane treatment of detainees and Enemy Prisoners of War (EPWs) during the stressful situations imagined in combat was exactly what the *Geneva Conventions*, the *LOAC,* the *UCMJ* and the *ROE* had in mind when they were written and therefore FM 22-100 would not justify his sidestepping of regulations. In any case, if a leader ignores rules and regulations for any cause, they are to "apply Army values, knowledge, and experience to any decision made and be prepared to accept the consequences of any actions" (p. 89). In general, West did appear to take responsibility for his personal actions, however his tacit approval of illegal prisoner abuse by his men was not initially disclosed and only acknowledged when later discovered through CID witness interviews.

The Revised EDMM

The revised and better explained EDMM prescribed in the 1999 version of *Army Leadership* has great utility for all leaders, but especially those at the tactical level who may not enjoy the benefit of a complete battle staff who serve as advisors and extra quality controls for command initiatives. Table 1 below illustrates the evolution of thought for the EDMM between the 1990 and 1999 editions of the FM.

Table 1

Ethical Decision-Making Models (EDMM) from *Army Leadership* FM 22-100

July 1990 Edition	August 1999 Edition
Step 1. Interpret the situation. What is the ethical dilemma?	Step 1. Define the problem.
Step 2. Analyze all the factors and forces that relate to the dilemma.	Step 2. Know the relevant rules.
Step 3. Choose the course of action you believe will best serve the nation.	Step 3. Develop and evaluate courses of action.
Step 4. Implement the course of action you have chosen.	Step 4. Choose the course of action that best represents Army values.

(U.S. Army, 1990; U.S. Army, 1999)

This four-step model is not officially titled an Ethical Decision-Making Model in the 1999 edition of *Army* Leadership, though it appears in the Ethical Reasoning section. This is because the doctrine writers encourage this same reasoning process across all decision-making in this edition of the manual and intend it to be a routine practice whether or not an ethical dilemma exists, thus "ethical reasoning isn't a separate process you trot out only when you think you're facing an ethical question. It should be part of the thought process you use to make any decision"

(U.S. Army, 1999. p. 89). Leaders should recognize that many of their decisions will not have an ethical component or that they will be ethically neutral decisions.

Ethical reasoning is like many other skills in that it that it requires patient practice and development. It is "an art, not a science" (p. 90) and often the best answer will be hard to determine. By their very nature, ethical dilemmas are usually thought of or framed as weighing two opposing right values or answers rather than a right and a wrong. "There may even be more than one good answer, or there may not be enough time to conduct a long review. In those cases, you must rely on your judgment" (p. 90). The steps of the revised decision-making model will now be examined more closely and compared to LTC West's actions surrounding the 20 August 2003 incident.

Step 1. Define the Problem. "Defining the problem is the first step in making any decision. When you think a decision may have ethical aspects or effects, it's especially important to define it precisely" (U.S. Army, 1999). It is important to gather as much information as possible to accurately understand the problem. In LTC West's situation he has repeatedly stated that the problem he was trying to solve was that 'there were people trying to kill my men and I" (Jeffrey, 2003). That is not an ethical problem for a combat Soldier. Soldiers maintain the right to self defense in all situations and if someone had shot at West or his Soldiers, they would have every right under the ROE, the UCMJ and the LOAC to return fire. In his haste and fueled by anger, fear and frustration, West concluded far too quickly that the only option was to conduct an illegal interrogation which ultimately involved threats, coercion, abuse and assault (Berry, 2008). West has articulated that his dilemma was between the choices of following the rules which meant patiently waiting and potentially risking the lives of his Soldiers or bending the rules and quickly gathering actionable intelligence that could result in saved lives.

But the facts of the case indicate that his choices were far from binary and no actual dilemma existed except for one of his own creation.

Earlier, it was suggested that the meta-problem West faced was one regarding lack of trust involving the Coalition Forces and the Iraqi people, including the police. This may be an accurate observation, but it is not so useful to a tactical commander. West's mission, protecting the elections, was important and there was some urgency to carry it out, but doing so safely was now seriously thrown into question. If he had taken the time West might have thought things through and defined the problem as follows.

- We have a mission to complete.
- The mission is in jeopardy because of a rumored threat of attack.
- Since the attack is supposed to target specific people at specific places at specific times, could a simple change in TTPs minimize or mitigate the risks to the mission?
    - Could changing the routes, the times, or even the unit that carried out the security for the election result in safer conditions?
    - Could the local polling be postponed until it was deemed safe for all involved?
    - Could the mission be continued as planned, but with additional security including Close Air Support (CAS) gunships?

After considering all of that and more, West could have developed a problem statement as simple as, "How can we continue our mission with the greatest effectiveness and the least risk to our Soldiers". Defining the problem in this way would have never led to an ethical dilemma because this revised problem statement reframes the issue without the burning urgency. LTC West's decision to act on the intelligence that he was given by the DIVARTY intelligence officer and to order Hamoodi apprehended, detained and interrogated was a sound decision well within military regulations. Nearly everything that followed that decision failed to follow rules or guidance. Since Hamoodi refused intelligence to the field interrogator, he should have been transferred to a higher level of Trained Military Intelligence Specialist in accordance with *FM 34-52 Intelligence Interrogation*.

Step 2. Know the Relevant Rules. It is not entirely clear that West knew all the relevant rules and guidelines regarding detainee operations. He admitted guilt in violating Standard Operating Procedures (SOPs) but claimed that it was a necessary variance of the rules (Berry, 2008). West was reminded that his actions were in violation of the Geneva Conventions requirement for humane treatment of EPWs by the trained junior interrogator on the scene, but he chose to ignore her warnings (CID, 2004). West either did not take the time to understand and enhance his knowledge and situational awareness or he simply decided to pick and choose which rules he would obey. Either way, this represents not only an ethical failure, but a failure in leadership as he led his Soldiers into these transgressions. In a situation like the one West faced, if West perceived an ethical problem, he was duty bound to consult with his superiors and seek other alternatives. Similarly, his Soldiers should have recognized the situation for what it was and refused any illegal orders, but the primary and major burden falls to West.

Step 3. Develop and Evaluate Courses of Action

Once you know the rules, lay out possible courses of action. As with the previous steps, you do this whenever you must make a decision. Next, consider these courses of action in view of Army values. Consider the consequences of your courses of action by asking yourself a few practical questions: Which course of action best upholds Army values? Do any of the courses of action compromise Army values? Does any course of action violate a principle, rule, or regulation identified in Step 2? Which course of action is in the best interest of the Army and of the nation? This part will feel like a juggling act; but with careful ethical reflection, you can reduce the chaos, determine the essentials, and choose the best course—even when that choice is the least bad of a set of undesirable options (U.S. Army, 1999. p. 90).

This longer quotation is included because it is central to the question LTC West faced. The Army uses a variety of methods, tools and processes to structure decision making, including MDMP, ADM and this EDMM. All these tools are intended to lead to action. Even refusing to choose is a choice in the economy of a battlefield leader, so a leader must decide. In analyzing

COAs one must ask: Does the course of action violate any laws, rules, or regulations? This is the principles-based analysis. Then this passage requires that it be measured against Army Values as previously attempted in this paper; this is a values, or virtues-based analysis. Finally, this step also requires evaluation of potential consequences of the course of action. The primary reason that there are rules for ethical and humane treatment of EPWs is not out of some deep sense of altruism and love for humanity, but it is utilitarian in nature. The consequences of the United States mishandling detainees or prisoners of war is that the nation can expect reciprocal treatment from current and future enemies. If the United States routinely violates the terms of the Geneva Conventions and other international laws, it should be expected that other nations will soon follow down that slippery path.

Step 4. Choose the Course of Action That Best Represents Army Values. Again, the precision of this language is very determinative and helpful. This step could have pointed leaders toward the safest COA, the most efficient COA, the least costly COA or the COA that the leader thinks and estimates as his or her personal best, but the doctrine writers very intentionally directed leaders to choose the COA that best aligned with the Seven Army Values. LTC West claimed to be acting out of loyalty to his men, but as previously explored this is not the same as the Army Value of Loyalty and instead of upholding that Army Value, his actions broke faith and violated it.

Detailed Findings

The original hypothesis for this project, presented in many variations in this paper, was that the current ethical training and preparation of Officers in the Army is inadequate for the moral ambiguities and ethical dilemmas they frequently encounter both at home in peace and deployed in combat. However, the research has undeniably refuted this initial hypothesis. After

careful investigation of the relevant regulations and training materials drawing heavily from *Army Leadership* (1990 and 1999) there can be no doubt that sufficient rules, regulations and guidance existed in the doctrine to steer LTC West toward both a better process and better outcomes. The Army Field Manuals included robust and abundant guidance for difficult situations like the one West encountered, especially the 1999 edition of FM 22-100. The dozens of real-world scenarios helped to illustrate how earlier leaders had successfully navigated difficult situations which often involved ethical dilemmas. One of the most relevant examples in this manual, drawn from the Gulf war is excerpted here.

> **Character and Prisoners.** The morning of [28 February 1991], about a half-hour prior to the cease-fire, we had a T-55 tank in front of us and we were getting ready [to engage it with a TOW]. We had the TOW up and we were tracking him, and my wingman saw him just stop and a head pop up out of it. And Neil started calling me saying, "Don't shoot, don't shoot, I think they're getting off the tank." And they did. Three of them jumped off the tank and ran around a sand dune. I told my wingman, "I'll cover the tank, you go on down and check around the back side and see what's down there." He went down there and found about 150 PWs…. [T]he only way we could handle that many was just to line them up and run them through…a little gauntlet…[W]e had to check them for weapons and stuff and we lined them up and called for the PW handlers to pick them up. It was just amazing. We had to blow the tank up. My instructions were to destroy the tank, so I told them to go ahead and move it around the back side of the berm a little bit to safeguard us, so we wouldn't catch any shrapnel or ammunition coming off. When the tank blew up, these guys started yelling and screaming at my soldiers, "Don't shoot us, don't shoot us," and one of my soldiers said, "Hey, we're from America; we don't shoot our prisoners." That sort of stuck with me.

The manual continues with commentary and lessons from that experience. This scenario illustrates the normative and deeply ingrained sense of the moral and ethical right for American Soldiers on the battlefield. This young Soldier was quite surprised when he realized that the Iraqi prisoners of war feared that they would be lined up and shot. "The right thing, the ethical choice, was so deeply ingrained in those Soldiers that it never occurred to them to do anything other than safeguard the PWs" (U.S. Army, 1999. p. 53). That Gulf War example of Soldiers

doing the right and honorable thing stands in stark contrast to the actions of West and his Soldiers.

The excellent doctrinal examples above indicate that there was sufficient material and training which should have equipped West for his situation. This discovery causes us to reject the original hypothesis and consider the following revised thesis. Though the Army does possess leadership guidance and ethical decision-making tools for leaders, it is often not fully instilled, implemented or reinforced. Further investigation tests this revised thesis as the project continues.

FM 22-100 contained sufficient guidance to avoid this dilemma altogether. If LTC West decided he must wrestle with the available options, he should have evaluated his COAs with consideration given to the applicable rules, the potential consequences, and the Army values to determine that the COA he opted for was not a viable option. It is fair to ask the question, why didn't the Army training materials lead West to choose more wisely and reach a better outcome? The training materials were sufficient, and the doctrine was sound, so only a few possibilities emerge as to why West did not heed the current guidance contained in the *Army Leadership Manual.*

One possibility is that his earlier training was so ingrained in him that he failed to recognize the important changes the Army had made when they updated this manual. This paper includes many of the important clarifications or contrasts between the two versions of the FM, but it's a reasonable assumption that what a young officer learns sticks with him for his whole career. This is especially true if changes in Army doctrine and emphasis are not deeply discussed across the operational force by leaders at all levels. Something as simple as reviewing the Army Values and reminding leaders of the exact meaning of each may well have helped

West to recognize that his deep loyalty to his troops, though admirable, was not an example of the Army Value of Loyalty as defined in the FM and elsewhere.

It does appear that West may have held to his earlier military education and not fully understood or embraced the Army's increased emphasis on character, values and ethics. He may not be alone in this tendency so his case may reinforce the need articulated by LTC Behn to continually offer and reinforce ethical decision-making training to Soldiers throughout their careers, including at the Senior levels. The final chapter considers options for ongoing training of Army leaders progressively throughout their careers.

Another possibility is that the doctrine simply was not taught or learned well during West's PME. The Army is continually striving to evaluate, assess and revise its doctrines as the updates in the leadership manuals demonstrate. These efforts are carried out by Training and Doctrine Command (TRADOC) which oversees all rules, regulations, manuals, pamphlets, etc., to include all training conducted within units and at Army School-Houses currently referred to as Centers of Excellence (COE). All army Officers are required to attend courses at their branch COE from time to time to maintain competitive positioning for promotion throughout their careers. However, courses in leadership and ethics are often given a lower priority in these settings while tactics, planning and maneuvers are emphasized. Even if brilliant lectures on ethical leadership are presented there are few ways to measure their effectiveness and, as West's case illustrates, not every student grasps the concepts and adopts the principles.

It is possible that the training was terrific and that LTC West was simply a bad student or he forgot the material that was taught to him. However, if this were the situation, his case would not have been controversial at all. His peers, colleagues, supervisors, and subordinates would have recognized the violations and just how far from Army doctrine West had strayed. He and

his men would have been Court Marshalled and would likely have served prison time for these offenses. The fact that this justice was not exacted suggests that West's casual relationship to the current Army doctrine was not unique to him and was likely typical among his fellow Soldiers and leaders. A fair evaluation of the facts reveals that West and his Soldiers acted illegally and immorally and, in a manner inconsistent with Army values as they abused and assaulted an Iraqi EPW. The reasons for their actions are irrelevant and can not justify their actions.

West's very public defense relied on a mostly contrived scripting of circumstances and a fallacious utilitarian consequentialist argument asserting that if he failed to do everything he did, his men would die. As compelling as that argument may have been, it is not supported by the facts, and it masks the emotions that really drove the situation and superseded moral reasoning.

Richard Berry's biography of LTC West suggests that the Amy failed to have West's back and to support him because they had grown risk averse. It may be that the Army was not prosecuting the war in Iraq in a way that Berry or West approved of, but West was not free to take matters into his own hands and act with only his own moral compass to guide him. As a Commissioned Army Officer, LTC West repeatedly took the following oath of office with every promotion.

> I Allen West, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God (U.S. Army, 2020).

In taking that oath, West affirmed that he would subjugate himself to the authorities over him and in faithfully discharging his duties that he would obey the rules and regulations of the institution. There was a breach of fidelity between LTC West and the U.S. Army but it was not the Army that failed him, rather, it was he who failed the Army.

Chapter 5

DISCUSSION

As anticipated, the West case reveals a gap in training and preparation of Soldiers and leaders for ethical decision-making. Since West's service record prior to the August 2003 incident was stellar, and he had excelled in all requisite training, one can only conclude that either the training was insufficient or there were not regular checks on learning. Or, perhaps there was insufficient unit-based reinforcement of new Army leadership doctrine to prevent this incident from occurring. The 1999 manual on *Army Leadership* was surprisingly robust in its coverage and framework for ethical decision-making and yet the evidence suggests that LTC West and his Soldiers did not receive or internalize that guidance.

It is purely conjecture, but LTC West's August 20th abuse and assault on Hamoodi was likely precipitated by actions 73 days earlier when West's driver, PFC Johnson was shot on the 8th of June. According to Berry, this event had a tremendous effect on West and brought to his recollection the words of his father and brother that his number one mission would always be protecting his men (Berry, 2008). The effect of that incident on LTC West added anxiety and fear into the rapidly evolving battlefield confusion that was endemic in Iraq in 2003. Add to that the threats and roadside attacks his men recently encountered, and West seemed triggered to react with a sense of hypervigilance. West may have lost all objectivity and convinced himself that the COA he chose, to personally conduct an unauthorized interrogation using illegal methods, was his only option. He not only harmed Hamoodi and potentially set back relations with local Iraqis, but he destroyed his own career and the careers of several of his Soldiers as he led them in unethical and illegal activities.

The West case underscores the need to continue to think deeply about ethical leadership within the Army and to write solid doctrine that offers clear, unambiguous guidance for Soldiers and leaders at all levels. Additionally, this case illustrates that good doctrine is not enough, it must be coupled with excellent instruction that occurs early and often at all ranks and levels across the force.

The need to better emphasize, reinforce, train and equip Servicemembers in the areas of character development and ethics is evident from the research undertaken at the War Colleges, and by Officers completing their ILE PME as well as across the Academy of Military Ethicists. When he was Chief of Staff of the Army in 2015, General Mark Milley, now Chairman of the Joint Chiefs of Staff, spoke about ethics to a group of young ROTC cadets. Using an illustration borrowed from Vince Lombardi, he told them "We don't break the rules". He continued on to explain "Playing by the rules involves internalizing the warrior code of ethics. It is something you have to practice at 24 hours a day. Unethical actions not only can get you or your Soldiers killed, they can also hurt the Army" (Milley, 2015). During Milley's tenure as the senior leader for the U.S. Army, he ordered the Army to once again reevaluate how it trains and equips Soldiers for ethical leadership.

The 1999 field manual has been subsequently updated several times and the current leadership manual is now Army Doctrine Publication (APD) 6-22 *Army Leadership And The Profession* last updated and published in July of 2019. The remainder of this paper is dedicated to engaging with the current ethical decision-making doctrine contained in APD 6-22, reviewing a non-doctrinal EDMM being taught at CGSC and suggesting modest improvements for a new EDMM.

ADP 6-22 Army Leadership and The Profession – Explored and Critiqued

One of the problems uncovered by this project is the apparent disconnect between Army doctrine and actual practice. Apparently, that observation was not unique to this investigation, but a nearly ubiquitous truism observed by Senior Military and Civilian Leaders across the Army over the last 15 years. Army doctrine had become so voluminous and disjointed that little of it was read, much less adhered to. In FY2010, the U.S. Army undertook, for the first time in its then 235-year history, the incredible task or re-writing all Army doctrine simultaneously over a five-year period as they launched *Doctrine 2015*. This project involved more than simply updating or retiring old manuals but a careful new nesting and tremendous elimination of repetitive information. To illustrate, where the Army previously had 542 Field Manuals or FMs, there are now 63 and nearly all of them are more concise. The leadership guidance that was formerly in FM 22-100 has been distilled down and moved to a higher-level document called an Army Doctrine Publication (ADP) which is meant to apply to the entire force. The title of this new regulation is *ADP 6-22 ARMY LEADERSHIP AND THE PROFESSION* and was finally published in July of 2019.

Unfortunately, the distilling of doctrine and extraction of dross caused the sections on Moral Reasoning and Ethical Decision-Making to be trimmed substantially. However, that is not to suggest that Ethics or more specifically, the Army Ethic is not represented. In the 132 pages of this primary doctrinal publication "Army ethic", "ethics", or "ethical" is referenced on most pages and appears 197 times. Definitions matter and certainly have shifted in the new doctrine, so they will be briefly explored.

The opening statement of ADP 6-22 says the document "establishes and describes the Army profession and the associated ethic that serve as the basis for a shared professional

identity" (U.S. Army, 2019). The introduction goes on to describe several attributes and core competencies required for modern Army leaders including that they be persons of integrity who build trust and apply sound judgment to influence others (p.11). The Army's formal definition of 'The Army Ethic' is "The set of enduring moral principles, values, beliefs and laws that guide the Army professional and create the culture of trust essential to Army professionals in the conduct of missions, performance of duty, and all aspects of life" (p.13). In repeatedly stressing the importance of the Army Ethic, the ADP emphasizes that it is the fact that Americans can trust that the U.S. Army is an ethical institution that grants it the autonomy to exercise disciplined initiative in accomplishing critical missions around the world (p.13).

It is clear from the frequency and usage of the term 'ethic' in this manual that the Army is stressing in this document that there exists a firm system of traditions, rules, standards and qualities that define what Soldiers should believe, who they are as American Professional Soldiers, and both what they do and how they do it. The APD outlines five essential characteristics of Army Professionals as Trust, Honorable Service, Military Expertise, Stewardship and Esprit de corps (p.16). These characteristics do not replace the Army Values, which remain in usage but in a slightly different light which shall be discussed shortly. The values have not been diminished and are not less important than these characteristics, but the new *ARMY LEADERSHIP AND THE PROFESSION* stresses that all leaders must have high quotients in all these areas. The first two of these characteristics, trust and honorable service, are non-negotiable requirements of moral and ethical leaders. "Trust is the foundation of the Army's relationship with the American people, who rely on the Army to ethically, effectively, and efficiently serve the Nation" (p.16). Regarding honorable service, this APD says "Army

professionals serve honorably by obeying the laws of the Nation and all legal orders. Army forces reject and report illegal, unethical, or immoral orders or actions" (p.17).

The definition of honorable service indicates the first of many shifts in doctrinal definitions and emphases as it strongly underscores the primacy of obeying legal orders, regulations, guidance, etc., in order to fulfill service honorably. The priority of simply following the ROE, the LOAC, the UCMJ and direct legal orders is oft repeated in APD 6-22. This is likely because nearly all the examples of ethical failures or ethical dilemmas documented in the DoD's Ethical Encyclopedia of Failure (EEF) could have been avoided by leaders who followed the appropriate guidelines, rules, directives, or orders. LTC Allen West would not have provided a case to study to investigate had he simply followed FM 22-100 and FM 34-52, as well as the orders of his Commander.

Though the new doctrine certainly emphasizes compliance as both an attribute and a persistent habit, it also counterbalances that quality with aspirations of commitment. It points Army leaders back to the source documents which are the basis for the legal standards of conduct for Soldiers, including the United States Constitution, The United States Code of Military Justice, Executive Orders, Treaties and the Law of Land Warfare. Additionally, the APD points Soldiers to reliable sources of the unified morality of the force including The Declaration of Independence, The Universal Declaration of Human Rights, Just War Tradition (Jus ad Bellum), the Army culture of trust and the professional organizational climate, which the APD assumes as a strong positive force. Table 2 below illustrates this framework for the Army Ethic prescribed in this APD as a system that involves the balancing of compliance and commitment.

Table 2

Foundations of the Army Ethic		
Applicable to:	*Legal Motivation of Compliance*	*Moral Motivation of Aspiration*
Army profession *Trust* *Honorable service* *Military expertise* *Stewardship* *Esprit de corps*	United States Constitution United States Code Uniform Code of Military Justice Executive Orders Treaties, Law of Land Warfare	Declaration of Independence Universal Declaration of Human Rights Just War Tradition (Jus ad Bellum) Army culture of trust Professional organizational climate
Trusted Army professionals *Honorable servants* *Army experts* *Stewards*	Oaths of Service Standards of conduct Directives and policies The Soldier's Rules Rules of engagement	Natural moral reason – Golden Rule Army Values Soldier's and Army Civilian Corps creeds Justice in War (Jus in Bello)
The *Army ethic*, our professional ethic, is the set of enduring moral principles, values, beliefs, and applicable laws embedded within the Army *culture of trust* that motivates and guides the Army profession and *trusted Army professionals* in conduct of the mission, performance of duty, and all aspects of life.		

The APD makes a new distinction by pointing out that the moral foundations, including the Army Values and Just War Tradition, are not being legally binding, suggesting that they exist to ensure that Army leaders have material to motivate and orient them to act in a morally ethical way in accordance with the legal requirements of the Army Ethic (p. 21). The revised official framework describing the Army Ethic subordinates values (virtues) to principles. This is an interesting arrangement that may put the cart before the horse by prioritizing the legal over the morally right. Ordering these complementary concerns in this way seems to indicate that the Army demands compliance with all relevant laws and aspires to develop and retain and promote Soldiers and leaders who also exemplify Army Values and the best moral traditions of the United States. While there are requisite warnings to Soldiers that they must refuse unethical, illegal or

immoral orders, the doctrine presupposes that all legal orders will be moral which is rarely the case in war.

One example of legal but immoral orders shared with this author on multiple occasions from different sources surround the convoy operations conducted in Iraq and Afghanistan over the last fifteen years. Traveling by ground convoy is inherently dangerous and many U.S. casualties have occurred from ambushes, roadside bombs, sniper attacks and vehicle-borne incendiary devices (VBIDs). As a result of these concerns the legal TTPs for many units are that they drive with the max possible speed to move personnel and equipment from point A to point B. Many pre-mission briefs include the legal order to the convoy drivers that they will not stop for anything. Since the enemies are quick to learn TTPs of the Americans, it wasn't long before insurgent terrorists would shove women or children into the paths of the vehicles. This created a dilemma for the vehicle drivers. Do they keep driving no matter what as they were instructed to, even though they will strike and possibly kill innocent women and children, or do they slow or stop to avoid them and cause the lives of their comrades to be put at risk of attack? The subordination of morality to legality suggested in the ordering of this APD subtly opens the door for blind obedience or dullness to immorality to creep in under the cover of obedience.

More evidence of this prioritizing is found in the following phrasing.

In situations of uncertainty, where the rules do not provide clear, courses of action, Army professionals base their decisions and actions on the moral principles of the Army ethic. In this way, Army professionals live by and uphold the moral foundation of the Army ethic, sustaining trust within the profession and with the American people (pp. 20-21).

It may be overly cynical, but it sounds as though the doctrine is saying if, and only if, there is no clear rule or order to follow, then, and only then, Army professionals should exercise the dormant moral principles described as part of Army ethic. To deemphasize and devalue the capability of Soldiers and leaders to perform moral reasoning is short sighted. One can

understand why the Army moved to emphasizing the universal Army Values rather than personal values since so many ethical failures of Army leaders have to do with flawed moral calculus but this reliance upon rules alone goes too far. In practice on the battlefield this author has observed commanders who were completely risk averse and turned to their lawyers for extensive guidance on most all decisions. They prioritized acting in a way that would keep them out of trouble rather than doing the right or the moral thing.

APD 6-22 approaches the Army Values in a new way that views them as aspirational, seeming to acknowledge that previous attempts to inculcate Soldiers with them had experienced only marginal success (p. 26). This new guidance backs away from the rigid dogmatic and prescriptive stance taken toward Army Values in previous generations seeming to cede the notion that getting Soldiers to memorize and recite and define the Seven Army Values will not change the fundamental character of the men and women who put on the uniform. "The Army Values are a compass needle, always pointing toward what the Nation demands of its Army" (p. 26). This shift moves the Army Values away from being internal to who a Soldier is to an external measure of what a Soldier does.

Although this shift is understandable given the increasingly diverse moral, ethical and religious beliefs of the American Military, it is also troubling. John Adams and other founding fathers separately observed that "Our Constitution was made only for a moral and religious People. It is wholly inadequate to the government of any other" (Adams, 1798). This statement is not only true regarding the Constitution, but also all the supporting institutions including the Army. If Soldiers fail to regularly and routinely exercise moral reasoning based on shared values, they may soon find themselves in murky waters of perfect obedience to a very imperfect organization.

Setting aside any religious inputs toward moral reasoning it is still imperative. Soldiers must understand why something is deemed wrong by the Army or else compliance will quickly become a challenge. They must understand why the Army would call an apparently immoral act, like running over a civilian, right for it is the faces of those innocents which may haunt the Soldier in the dark of the night many years after they've departed the Army.

The Good News

The new ADP encourages and emphasizes the Army Values offering historical examples which demonstrate each. Additionally, leaders are encouraged to consider the varied values and beliefs of their Soldiers and to be mindful and self-aware of their own. Though this is primarily aimed at leaders maintaining dignity and respect among those who possess a range of lifestyles and worldviews in their formations, it also encourages leaders to develop for themselves and in their Soldiers an ethical framework that will reinforce their ability to uphold high standards of conduct and demonstrate the ideals of the Army Ethic across an organization.

Though it is severely truncated, there is a brief section in APD 6-22 on Ethical Reasoning. It states that to be an effective ethical Army leader Soldiers need more than knowing the Army Values. Here, the text suggests that leaders be and do the Army Values, ironically asserting once again the need to internalize them, which seemed to have previously been abandoned in the new APD (U.S. Army, 2019. p. 45). Doubling down the APD states, "Ethical reasoning must occur in everything leaders do—in planning, preparing, executing, and assessing operations". However, gone is any model, framework or tool for the Soldier or leader to employ to explore or exercise or sharpen their Ethical Decision-Making skills; it didn't make the cut.

Nonetheless, there is a very brief acknowledgment of three classical approaches toward ethical decision-making including Virtue Ethics, Principle Ethics and Consequential or Utilitarian Ethics.

> One perspective comes from a view that desirable virtues such as courage, justice, and benevolence define ethical outcomes. A second perspective comes from a set of agreed-upon values or rules, such as the Army Values or Constitutional rights. A third perspective bases the consequences of the decision on whatever produces the greatest good for the greatest number as most favorable (p. 45). This language on consequentialism, excerpted directly from the APD, is muddled and confusing. It should indicate that the value of an action should be considered based on the likely consequences and outcomes.

These approaches are not explored any further in this, or now any other, Army Doctrine Publication. The APD simply encourages leaders to consider all perspectives applicable to a situation and to become ethically astute in the process. Ethical astuteness and the use and implementation of these three different ethical frameworks is laudable, but the APD offers no method or practical path toward that refined ability and skillset.

Kem's Ethical Triangle – A Useful Supplement

Jack D. Kem, Ph.D. and Retired Colonel, has served for many years as an ethics instructor and course writer for the Army's Command and General Staff College (CGSC) at Fort Leavenworth, Kansas. He is fond of stating "Doing the right thing is good. Doing the right thing for the right reason and with the right goal is better" (Kem, 2016). He has written extensively and frequently on the need to train Army Officers in Ethics and to equip them with a practical Ethical Decision-Making Model (EDMM). Though not officially doctrinal, his method has been adopted across the Army Intermediate Level Education (ILE) which is given to all Army Majors (MAJ) who desire to advance to Lieutenant Colonel (LTC). His model is the closest thing the Army has to a standard EDMM today.

Kem's Ethical Triangle allows leaders and Soldiers to visualize the three philosophical approaches to ethical decision-making in an easily understandable way. He encourages CGSC students to ask: Which of the ethical philosophies are the most useful – principles or rule-based ethics, consequences or the utilitarian-based ethics, or virtues-based ethics? And which one of these philosophies best fits human behavior? He argues that while each has unique appeal, to use just one approach would put a competent leader at the disadvantage of limited understanding (Kem, 2006). "Whether principles, consequences, or virtue provide the true reasons for ethical decision-making, all three of the theories and their lineage are useful for gaining insight into the complexity of ethical decision making" (Kem, 2016).

Principles-Based Ethics

The primary philosopher who embraced Principles, or rule-based ethics is Immanuel Kant. He argued in favor of established rules or principles and would likely enjoy the current Army leadership manual. Kant states "The moral worth of an action does not lie in the effect expected from it, nor in any principle of action which requires to borrow its motive from this expected effect" and he clarifies "The preeminent good which we call moral can therefore consist in nothing else than the conception of law in itself, which certainly is only possible in a rational being, in so far as this conception, and not the expected effect, determines the will" (Kant, I. & Abbott, T. 2016). By emphasizing moral worth over consequences, Kant derives one categorical imperative: "Act as if the maxim of your action was to become a universal law of nature" (Johnson, R., & Cureton, A. 2019). For Kant, morality is found in following rules that are absolute with no exceptions, come what may. It just so happens that by following this imperative, society and individuals will be better off, though that was not Kant's aim (Rachels 1999). Kant asserts that men implicitly know what is right if they can set aside their own

personal desires, and that they should simply do it. Practical experience with Soldiers makes this element of his philosophy questionable, nonetheless Kantian rules or principle-based ethics will appeal to many for its apparent simplicity and lack of personal exploration or exposure.

Consequential Ethics

A second approach to ethics is a consequence-based ethics called utilitarianism, which is often traced back in modern history to John Stuart Mill and Jeremy Bentham. Decisions made under this framework are based on the likely consequences or results of the actions (Kem, 2006). The utility of an action, or the net amount of happiness produced by an action, is "the ultimate appeal on all ethical questions" that is "grounded on the permanent interests of man" (Mill, 1859).

To contrast Principles-Based Ethics and Consequential Ethics one can consider the plight of Jean Valjean, the protagonist of Victor Hugo's 1862 novel *Les Misérables*. Valjean was a utilitarian. He stole bread to feed his family, out of dire necessity. Unfortunately, he was captured and imprisoned by a rather merciless Javert whose character was the embodiment of a Kantian rule follower. In Hugo's novel, Valjean receives a five-year sentence to punish him for his theft. Hugo's narrative illustrates the absurdity of taking any one of these positions too firmly (Hugo, 1862).
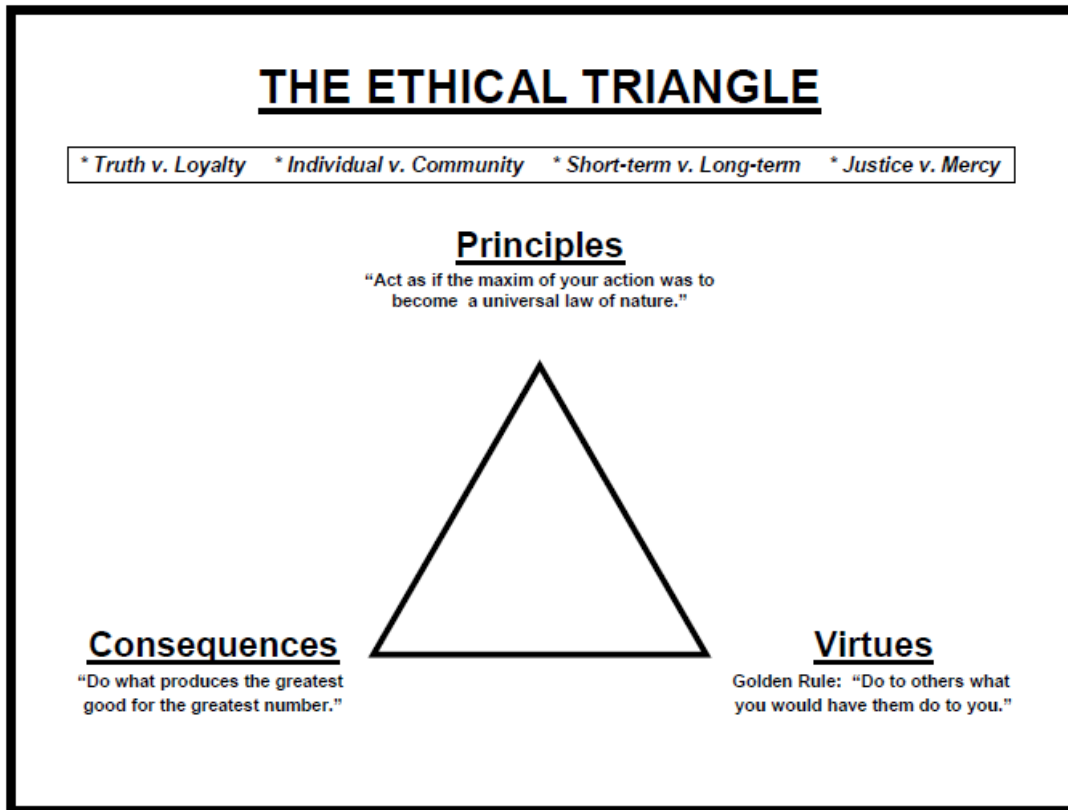
Virtue Ethics

Plato and Aristotle are the founders of one of the oldest Ethical systems relying heavily on virtue (Kem, 2006). Though virtue is not a commonly used term in today's vernacular, virtue is still around, but under a different name. Consider the massive advertising campaign that at times in the last few years has saturated print and small screen media, *Character Counts*.

Likewise, until recently, the Army's ethical leadership training was aimed at personal transformation and commitment, getting someone to be and internalize the Seven Army Values. Virtue Ethics concerns itself with who someone should be, rather than directly with what a person should do. It is supposed that getting character, values and virtues right will produce right actions. According to Plato men must be given the right instruction on what is good, and that knowledge alone is adequate motivation for right action (Kem, 2006). Aristotle emphasized virtue as desirable for society so that all may become good citizens and law-abiding people. The virtuous person is hard-wired to do the right thing, even if it costs them dearly.

Kem has arranged these principles in a triangular fashion helping leaders to remember that ethical issues are best considered from multiple points of view. These viewpoints are not necessarily oppositional and could possibly be complementary. The following figure illustrates some common categories of ethical dilemmas and a simple illustration of Kem's Ethical Triangle.

Figure 1

THE ETHICAL TRIANGLE

| * Truth v. Loyalty | * Individual v. Community | * Short-term v. Long-term | * Justice v. Mercy |

Principles
"Act as if the maxim of your action was to become a universal law of nature."

Consequences
"Do what produces the greatest good for the greatest number."

Virtues
Golden Rule: "Do to others what you would have them do to you."

Using his Ethical Triangle, Kem teaches leaders the following EDMM using these 6 steps to evaluate ethical dilemmas.

Step 1. Define the problem (ethical dilemma) in terms of "right versus right".

Step 2. Consider alternative courses of action (COAs).

Step 3. Test the COAs against the ethical triangle.

- Principles-based ethics
- Consequences-based ethics
- Virtues-based ethics

Step 4. Consider additional COAs such as 'win-win' possibilities or no action at all.

Step 5. Choose the COA that best represents Army Values.

Step 6. Implement the COA.

Kem's Ethical Triangle EDMM is extremely easy to teach and to communicate to Soldiers and leaders. With a little practice, this model could help leaders to integrate critical analysis into even the most urgent of critical battlefield decisions. However, Kem's model was based on the previous Army Leadership manuals from 1990 and 1999 and is not precisely reflective of the current *Army Leadership and the Profession*. Ideally, the next revision of ADP 6-22 will integrate Dr. Kem's approach and it will become sanctioned as doctrinal.

Conclusions and Recommendations

As previously mentioned, Kem's EDMM is solid and should be integrated into Army doctrine and used as a basis for the development of new or updated pedagogy in military ethics as well as an adaptable resource such as a pocket guide for Soldiers.

The new ADP seems to have been written with a clear understanding that Army leaders, like the Soldiers they are responsible for, are not all cut from the same cloth. Each comes into the Army with a distinct background, worldview, presuppositions, expectations, values, desires, and strengths that are unique to them. One preliminary and ongoing skill needed for Army leaders is the ability to reflect on and recognize one's own strengths, weaknesses, and predilections. Great leaders will leverage their strengths and shore up their weaknesses by drawing on the strengths of those around them (Clifton, D. & Buckingham, M. 2001). The ethical development and decision-making of Army leaders is not possible without the intentional self-awareness of individual leaders and routine reflection on ethical decision-making as well as deliberate practical exercises involving both leaders and Soldiers.

Personal Assessment and Pedagogy

It is recommended that simple assessments, those that can be completed in less than thirty minutes, be developed to assist Soldiers and leaders in determining which of the three primary

ethical camps they are most comfortable with or which one they would lean upon reflexively.

Enabling Army professionals to understand whether they are most sympathetic with Virtue

Ethics, Consequential-Utilitarian Ethics, or Principles-based Ethics is an essential prerequisite to

employing Kem's EDMM, or any other for that matter.

These new inventory assessments are imagined as being developed with at least 4

different target audiences in mind. The first assessment will be aimed at the brand-new Soldiers

who are enduring the hardships of Basic Training and adjusting to this new life they've chosen

for themselves. Very basic questionnaires with generationally based examples and references

would be developed and targeted at new recruits, using language and concepts that are relevant

and accessible to the average 18 or 19-year-old Private (PVT) or Specialist (SPC). Especially

important for them is fostering the habit of moral reasoning and evaluating situations for their

rightness or wrongness. Though these lower-level enlisted personnel have very little power,

autonomy, and authority, if they develop ethical habits early, based on sound ethical reasoning

and judgment, it will serve them and the Army well later, as they themselves lead other Soldiers

and are faced with increasingly difficult moral and ethical dilemmas.

A second assessment would be developed for the senior cadet or newly commissioned

officer just beginning their journey in the Army and as a leader of Soldiers. Since this group

should have some familiarity with military history, the questions could be drawn from historical

examples or from recent military challenges that have become public. This group, though

similar in age to the young Soldiers they will soon lead, may tend to be more entrenched in their

personal ethical tendencies and should be reminded that the Army does not place more worth or

value on one approach over another, despite the fact that they have recently shifted from a

values-based organization to a principles-first organization. These Junior Officers (JOs) will not

only be encouraged to be mindful of their own ethical drift but in so doing will develop the ability to discern the ethical moorings of their Soldiers, their peers and their superiors. This will prepare them to learn and lead as they grow in responsibility and authority as Army Professionals.

The third target who will be assessed are the mid-grade Field Officers, the Majors. This group may be weary from their hard years of service; some may display apathy or bitterness toward the Army as an organization. This audience will need to be thoughtfully engaged with why ethics and ethical orientation matters prior to being given any assessment. For them, the questions on an assessment must be sincere, thoughtful, and relevant or many will disengage and consider the exercise useless. Immediately after this group tallies their results, they should view some short biographies of men and women who share their ethical orientation. A vibrant discussion could easily ensue where these Majors are asked to describe Army situations that really frustrated them as leaders. Chances are, they will soon discover that their frustrations and disappointments are rooted to or tied in with a violation of their default ethical evaluation matrix.

It is possible that this seasoned-leader ethical assessment and tool, priming the pump for ethical decision-making (EDMM) training could be duplicated for Senior NCOs when they attend the United States Army Sergeant Majors Academy (USASMA). It would also work well for newly appointed Warrant Officers (WO) who have transitioned from the ranks of NCO and are attending Warrant Officer Candidate School (WOCS). Both groups include Soldiers at similar places in their Army careers to the Majors and both often include more than their share of cynicism toward the Army they love and serve in.

The fourth and final suggested group of targeted subjects are Senior Officers as they attend the Senior Service Colleges (SSCs or War Colleges). These are the Colonels who will

lead large organizations and serve in higher level commands as advisors and in key staff positions. Many of these will go on to achieve the rank and responsibility of General Officers and be in positions to leave a legacy of leadership for the Army through their service. Ideally, these men and women are already very self-aware so perhaps the approach for them should be different. Assuming they have already developed some collegiality, professional trust and interaction with one another, these leaders might benefit from assessing one another's ethical orientation and then discussing it. Like the Majors, these leaders would benefit tremendously from a subsequent discussion about episodes of frustration that they've had in their Army careers and investigating those incidents in light of fresh awareness of their tendencies to judge and evaluate based on their ethical tendencies. This may equip Senior leaders to reframe past experiences in meaningful ways to glean new wisdom from even the worst experiences.

Adjusting Kem's EDMM

Some discussion about the blinding effects of emotion and the natural blunting of reason that often follows is useful. As leaders begin to consider the ethical problems that they encounter it is vital to quickly recognize and set aside emotionalism which can alter good judgment. After ensuring that Soldiers know and understand their own natural ethical orientation, a modified version of Kem's EDMM based on the ethical triangle should be demonstrated and taught. The suggested revisions are as follows.

Step 1. Define the problem (ethical dilemma) in terms of right versus right.

- Remember, if it's a right versus wrong, it's not an ethical dilemma- do the right thing.
- Do you have the authority to make this decision or resources to act? If yes proceed, if not, engage your higher headquarters.
- If possible, share the problem with others and solicit input, even if it's hasty.
- Refine the problem statement based on the feedback of others.

Step 2. Consider alternative courses of action (COAs).

Step 3. Test the COAs against the ethical triangle***.

- Principles-based ethics
- Consequences-based ethics
- Virtues-based ethics

***For this step, DO NOT consider your home or natural ethical orientation. In other words, if the assessment has allowed you to learn that you lean primarily on Virtues-based ethics, they are already guiding your thinking deeply and profoundly. Spend your limited time evaluating and critiquing possible COAs from a Principles or Consequences orientation and point of view. This will provide the maximum additional information and allow the best evaluation of available options.

Step 4. Consider additional COAs such as 'win-win' possibilities or no action at all.

Step 5. Choose the COA that best represents Army Values.

This step should not be short-changed. Although it leans the ethical triangle toward values-based thinking, take a moment to consider the COA in light of all Seven Army Values independently.

Step 6. Implement the COA.

- Own your decisions and actions and remember that history will judge you for them.

Final Thoughts

Based on available information, including his sworn statements and public testimony, it seems as though LTC West is likely driven strongly by values-based ethics. Had he adopted and considered fully the Army Values, rather than his own, his reliance upon values would not have been a problem. Also, if he had taken time to recognize his anger and the fear which he and his men described, he may well have come to better reasoned decisions. Finally, if LTC West would have more seriously considered the consequences and the principles involved in his actions, it is

probable that this entire incident would have been avoided and he and his Soldiers would have enjoyed long careers as Army professionals.

No EDMM will fit universally, and even when widely utilized, some actions will still result in unintended or unforeseen circumstances or violate some principle or value not appreciated until after the fact. However, encouraging Army Professionals, Soldiers and leaders to use an EDMM and engage with the ethical dynamics and potential results of their decisions will generate positive results for all involved and ensure that the U.S. Army continues to maintain its position as an esteemed organization representing the United States for generations to come. The teaching of ethics in the U.S. Army, including the development and regular use of an EDMM that supports current doctrine, offers the best chance to get left of the boom and prevent moral failures and poor navigation of ethical dilemmas.

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APPENDIX 1 – Terms & Acronyms

4ID	Fourth Infantry Division
AAR	After Action Review
ADM	Army Design Methodology
ADP	Army Doctrine Publication
ADRP	Army Doctrine Reference Publication
AIT	Advanced Individualized Training
AWC	Air War College
CAL	Center for Army Leadership
CAPE	Center for Army Professional Ethic
CAS	Close Air Support
CCC	Captain's Career Course
CID	Criminal Investigation Division
CFR	Code of Federal Regulations
CGSC	Command and General Staff College
CNN	Cable News Network
COA	Course of Action
COE	Centers of Excellence
COL	Colonel
CPT	Captain
DoD	Department of Defense
DIVARTY	Division Artillery

EDMM	Ethical Decision-Making Model
EEF	*Encyclopedia of Ethical Failure*
EPW	Enemy Prisoners of War
FM	Field Manual
FOB	Forward Operating Base
GCMA	General Court Martial Authority
GDP	Gross Domestic Product
ICS	Instrumental Case Study
IED	Improvised Explosive Devices
IET	Initial Entry Training, aka Basic Training
IG	Inspector General
ILE	Intermediate Level Education
IO	Investigating Officer
JAG	Judge Advocate General
JO	Junior Officer
LOAC	Law of Armed Conflict
LTC	Lieutenant Colonel
MAJ	Major
MDMP	Military Decision-Making Process
MG	Major General
MI	Military Intelligence
MKT	Military Kitchen Trailer
MoH	Congressional Medal of Honor

MOS	Military Occupational Specialty
MSCEO	Maneuver Support Center for Engineer Officers
NCO	Non-Commissioned Officer
NCOIC	Non-Commissioned Officer in Charge
NCOPD	Non-Commissioned Officer Professional Development
NDU	National Defense University
OPD	Officer Professional Development
OpTempo	Operational Tempo
PAO	Public Affairs Office
PE	Practical Exercise
PFC	Private First Class
PME	Professional Military Education
PSD	Personal Security Detail
PVT	Private
ROE	Rules of Engagement
ROTC	Reserve Officer Training Corps
SECDEF	Secretary of Defense
SJA	Staff Judge Advocate
SOP	Standard Operating Procedures
SPC	Specialist
SSC	Senior Service College, aka War College
TLP	Troop Leading Procedures
T4T	Train for Trainers

TRADOC	Training and Doctrine Command
TTP	Tactics, Techniques and Procedures
UCMJ	Uniform Code of Military Justice
UN	United Nations
USAFA	U.S. Air Force Academy
USAWC	U.S. Army War College
USMA	U.S. Military Academy aka West Point
USMMA	U.S. Merchant Marine Academy
USNA	U.S. Naval Academy
USNWC	U.S. Naval War College
VBID	Vehicle-Borne Incendiary Device
WO	Warrant Officer
WOCS	Warrant Officer Candidate School