

ACCOUNTABILITY AND MORAL COURAGE:

Lessons Learned from the Persian Gulf

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Sometime during the week of 21-25 September 1981, Colonel Malham M. Wakin, Permanent Professor and Head of the Department of Philosophy and Fine Arts of the USAF Academy, speaking to a gathering of Air National Guard Chaplains at the Academy, said, "*The line between incompetence and immorality is a thinner line in the military profession than in almost any other profession.*"

I still have the notes from that presentation, and this particular statement continues to intrigue me. What is more, it continues to make a lot of sense.¹

I have found, however, that when I use this quotation in class with students of the Academy of Military Science (AMS) at the Air National Guard Professional Military Education Center (ANG PMEC) they seem to be puzzled, or at least, troubled by it. And I don't doubt that others may also be somewhat "put off" by this premise.

This paper, therefore, is, in part, an attempt to illustrate the truthfulness of the statement by comparing the findings of two Investigation Reports issued by the US Navy. These two reports examine the circumstances surrounding the incidents involving the USS STARK (17 May 87), and the USS VINCENNES (3 Jul 88), in the Persian Gulf. Both reports make certain conclusions and recommendations relating to the primary participants in these incidents especially regarding their culpability, or lack thereof, the ensuing loss of life.

I believe that the investigations, when taken together, ALSO report on the state of ethics in today's US Military environment. With this in mind, it is hoped that by examining and comparing their conclusions, while also asking questions about "*incompetence*" and "*immorality*" we may be able to learn something about **ACCOUNTABILITY AND MORAL COURAGE**.

I. SOME DEFINITIONS

As always when using the kinds of categories which we have here, it is wise to begin by defining the four principle terms: incompetence, immorality, accountability, and moral courage. All definitions are based on information from

Webster's Third New International Dictionary published in 1981.²

INCOMPETENCE - refers to the state of being incompetent and reflects a lack of the qualities (as maturity, capacity, initiative, intelligence) necessary to effective independent action. It may also include the lack of certain specific qualifications to perform a legal function or duty - "often used without implication of any kind with respect to personal fitness." Used as an adjective the word "incompetent" may refer to "one incapable of doing properly what is required in a particular position" or, for the purposes of this discussion, **in a particular situation.**

IMMORALITY - is the quality or state of being immoral. "Immoral," is defined as "inconsistent with purity or good morals : contrary to conscience or moral law." Broadly it speaks of being *in conflict* with generally or traditionally held moral principles; thus John Dewey is quoted as having said, "Refusal to acknowledge the boundaries set by convention is the source of frequent denunciations of art as immoral."

ACCOUNTABILITY - is very simply the quality or state of being accountable, liable, or responsible. To whom, or what is not addressed by the dictionary. Chaplain, Lt Col,

Edward E. Galloway, however, in his 1987 Air War College Research Report titled ACCOUNTABILITY says, "Personal accountability, for the military leader, permeates one's self, family, community, and profession."³ In his conclusion Chaplain Galloway makes the following statement:

The area that seems to logically be first to which we are to be accountable is our military profession. The moment we take the oath of office or enlistment, we become accountable to our country as a professional soldier, sailor, marine, or airman. A critical part of this responsibility is the way we corporately manage violence in defense of the United States and those lands of our allied counterparts.⁴

This is a key definition as we consider the topic at hand.

MORAL COURAGE - is, of course, more difficult to define. Perhaps the best way to do so at this time is to define "moral" as "having to do with right and wrong," and then seek to delineate "courage." **COURAGE** then is given this primary definition: "mental or moral strength enabling one to venture, persevere, and withstand danger, fear, or

difficulty firmly and resolutely." Here the dictionary quotes W.T. Sherman, "I would define true courage to be a perfect sensibility of the measure of danger and a mental willingness to endure it." Courage then is as Webster's goes on to say, "A confidence that encourages and sustains."

II. THE REPORTS SUMMARIZED

In this section I will attempt to present the facts that are pertinent to the present discussion beginning with a summary statement of the incidents and ending with a notation of the conclusions drawn by the investigating teams. As much as possible I will quote directly from the official reports and will indicate that by using *italic* print.

THE CIRCUMSTANCES SURROUNDING THE ATTACK ON THE USS STARK (FFG 31) ON 17 MAY 1987. *On the evening of 17 May 1987, shortly after 2100 local and while on routine patrol in the central Persian Gulf, USS STARK (FFG 31) was hit by two Exocet anti-ship cruise missiles. The attack was unprovoked and indiscriminate....STARK never fired a weapon nor employed a countermeasure, either in self defense or in retaliation. Thirty seven members of STARK's crew died as a result of the attack.*

In a section of the report titled, "Opinions," Rear

Admiral Grant Sharp, the investigating officer reports that the damage to the STARK was caused by four principle factors:

a. *Failure in general, of the Commanding Officer and watch team to appreciate and respect the hazards to STARK inherent in the Iraqi air campaign in the Persian Gulf; and failure, specifically, of the Commanding Officer and watch team to recognize the ... threat and to effectively utilize the ship's combat systems to respond to that threat.*

b. *Improper watch manning and watch standing.*

c. *Failure of the Commanding Officer and watch team to institute a proper state of weapon readiness; and*

d. *Improper understanding by the Commanding Officer and watch team of the use of fire control radar as a measure short of deadly force in warning the threat and securing the safety of STARK.*

He further points out that the Rules of Engagement in existence at the time should have enabled the STARK to properly warn off the Iraqi aircraft; and, if the warning was not heeded the Rules of Engagement were sufficient to enable STARK to defend herself against hostile intent and imminent

danger without absorbing the first hit.

Finally, under "Recommendations, Accountability," Admiral Grant said:

1. *Detach Captain Glenn R. Brindel, USN, Commanding Officer, USS STARK for cause...*

2. *That the charges preferred in enclosure (13) against Captain Glenn R. Brindel, USN, be referred to a General Court-Martial.*

He also recommended detachment of the Executive Officer and the Watch Officer and referred the former to Admiral's Mast while recommending General Court-Martial of the latter.⁵

THE CIRCUMSTANCES SURROUNDING THE DOWNING OF IRAN FLIGHT 655 ON 3 JULY 1988 [BY USS VINCENNES (CG 49)]. *On 3 July 1988, the USS VINCENNES (CG 49), operating in the Southern Persian Gulf as a unit assigned to Commander Joint Task Force Middle East downed a civilian airliner, Iran Air Flight 655, on a routine scheduled flight from Bandar Abbas to Dubai, with two SM-2 missiles.*

This occurred at approximately 0654Z while the USS VINCENNES was actively involved in the surface engagement with two Iranian Gun Boats.

Debris from the aircraft and a significant number of bodies were found 6.5 miles east of Hengham Island...various sources had established that some 290 persons from six nations were on board Iran Air Flight 655. And all were killed.

In the midst of the report it is noted that during the surface engagement the VINCENNES suffered a gun casualty to MT51 resulting in a foul bore (chambered round in the gun that could not be fired)...The foul bore...caused the TAO to maneuver the ship radically, using 30 degrees rudder at 30KTS ship's speed, in order to keep MT52 pointed at the most threatening of the surface contacts...The high speed, large rudder angle turn caused books, publications and loose equipment to fall from desks and consoles in CIC.

Under the title of "Opinions", Rear Admiral William M. Fogerty, USN, the Investigating Officer, says, The USS VINCENNES did not purposely shoot down an Iranian commercial airliner. Rather, it engaged an aircraft the Commanding Officer, USS VINCENNES believed to be hostile and a threat to his ship and to the USS MONTGOMERY (FF 1082).

He continues: *Based on the information used by the CO in making his decision, the short time frame available to him in which to make his decision, and his personal belief that his ship and the USS MONTGOMERY were being threatened, he acted in a prudent manner....The downing of Iran Air 655 was not the result of any negligent or culpable conduct by any U.S. Naval personnel associated with the incident....Time compression played a significant role in the incident....The fog of war and those human elements which affect each individual differently--not the least of which was the thought of the Stark incident--are factors that must be considered.*

Finally, he concludes this section with the following:

12. Psychological factors: As the investigation developed, and it was discovered that there were disparities between the C&D (Command and Decision System) tape data and what various members of CIC (Combat Information Center) believed they saw, the senior investigation officer requested the professional advice of USN Medical Corps personnel who have studied combat stress. The following opinions draw heavily on their conclusions.

Stress, task fixation, and unconscious distortion of

data may have played a major role in this incident.

TIC (Tactical Information Coordinator) and IDS (Identification Supervisor) became convinced track 4131 was an Iranian F-14 after receiving the IDS report of a momentary Mode II.

After this report of the Mode II, TIC appears to have distorted data flow in an unconscious attempt to make available evidence fit a preconceived scenario. ("Scenario fulfillment")

TIC's perception that there was an inexperienced, weak leader in the AAWC (Antiair Warfare Controller) position led to the emergence of TIC in a leadership role. TIC's reports were accepted by all and could have influenced the final decision to launch missiles.

13. Captain Rogers' action in delaying engagement of TN 4131 with missiles until it was well within 15 NM demonstrates an appreciation for the seriousness of the consequences of his actions and was balanced with his responsibility to defend his ship.

The "Recommendations" section of this report begins by saying No disciplinary or administrative action should be

taken against any US naval personnel associated with this incident. It goes on to recommend some changes in training; development of a psychological profile for personnel who must function in such an environment; some organizational changes for the USS VINCENNES; and a reassessment of the design of a part of the AEGIS system. **So ends the report.**⁶

III. DISCUSSION AND CONTEXT

It is probably best to consider the case at hand in light of *Just War Doctrine* since it appears to be the most widely held and accepted criteria currently available. Let me, therefore, remind you again of the two *jus in bello* (conduct of just war) criteria which this doctrine enunciates:

1. *Discrimination*: This principle prohibits the deliberate and indiscriminate taking of innocent human life. Force must be applied in such a way as to discriminate between combatants and noncombatants who are immune from deliberate harm.

Within this category we need to recognize also the *principle of double effect*, developed by Saint Thomas Aquinas. This recognizes some acts as having two effects: one direct and intended and one incidental and unintended.

An act is morally permissible under double effect even though the consequences of its DESIRED effect may be bad, providing that (a) the act itself is good (that is, a legitimate act of war); (b) the direct effect is morally acceptable; (c) the secondary effect must be *truly unintended* and be minimized to the extent possible; and (d) the evil from the secondary effect must be proportionate to the good expected from the direct effect.⁷

2. *Proportionality*: This requires that the harm caused by the use of force be proportional to the objectives or gains to be realized. The **degree** of each use of force must be evaluated on a case by case basis in consideration of the situation that exists at the time the decision is required.

With that as background it is easy to defend the findings of both of the investigations under consideration. The Captain of the USS STARK should have used force to defend his ship and his men and is, therefore, indeed culpable for the losses incurred. And it was permissible for the Captain of the USS VINCENNES to use appropriate force in the defense of his command from a perceived air attack: He certainly did not INTEND to harm civilians and he did NOT overreact to the perceived threat.

However, that doesn't really tell the whole story! This is particularly true in the case of the USS VINCENNES. The fact is, that what sometimes may be defended as a **just** act of war - an act which is morally justifiable - is NOT always **intrinsically** moral. And we are ACCOUNTABLE also for that as we attempt to "corporately manage violence in the defense of the United States."⁸

Remember what the VINCENNES Report says? "*Time compression played a significant role in the incident...The fog of war and those human elements which affect each individual differently--not the least...the thought of the Stark incident--are factors that must be considered... Stress, task fixation, and unconscious distortion of data may have played a major role in this incident...After the report of the Mode II, TIC appears to have distorted data flow in an unconscious attempt to make available evidence fit a preconceived scenario. ("Scenario fulfillment")*"⁹

In a court of law such an action would be defended as an act of "temporary insanity." Here, we might call it an act of **temporary incompetence** given the fact that "scenario fulfillment" rendered the TIC temporarily incapable of doing properly what (was) required in this particular situation.

We dare not overlook the FULL effect of the STARK

incident as a factor which contributed to the disintegration of thought on board the USS VINCENNES on 3 July 1988. Captain Brindel of the STARK had been roundly criticized and disciplined for his handling of THAT incident. And regardless of the REASONS for his failure (one could argue for **temporary incompetence** here also) he had failed - a failure that resulted in the loss of life and valuable equipment, AND HIS COMMAND.

Indeed, a "MEMORANDUM FOR CORRESPONDENTS" which was issued by the Atlantic Fleet Public Affairs Office of the USN on 27 July 1987, reported that both Captain Brindel and Lieutenant Moncrief were issued letters of reprimand under Article 15 of the UCMJ. As a result, Captain Brindel requested retirement (in the grade of Commander instead of Captain), and Lt. Moncrief submitted his resignation and was separated by the Navy. Surely these events were known to Captain Rogers and his crew and greatly amplified their actions and reactions to the unfolding series of events on 3 July 1988.

The problem, of course, is that while Captain Brindel and his crew may have erred morally in one extreme, Captain Rogers and his crew appear to have erred in the other. For regardless of how we might justify it, 290 noncombatants died in a civilian airliner which did not pose a threat to the USS

VINCENNES!

Now let's return to the terms which were defined earlier in order to argue the case.

IV. THE ARGUMENT

We have already addressed the issue of **INCOMPETENCY** in the previous paragraphs. But we need to remind ourselves, here, that this category includes the lack of certain specific qualifications to perform a specific duty. What was lacking on the VINCENNES was adequate discernment, calm, and the discrimination necessary to separate fact from imagination.

There was NO air attack, in progress. The approaching plane was NOT an F-14. It was NOT descending. It simply failed to respond to verbal challenges - why, we will never know.

Was this, however, **IMMORAL**? Two hundred and ninety innocent people (noncombatants) died! That certainly must be in clear conflict with generally or traditionally held moral principles. To say otherwise is a "refusal to acknowledge the boundaries set by convention."¹⁰ IF it were clearly shown that this plane had been on a "suicide" mission, the

answer would be different. Or IF it had merely gotten in the way of an on-going air battle, things would be different. But she was alone on an apparently peaceful mission.

I need to note here that I agree fully with those who say that Iran made the grave error of allowing the launch of this aircraft in the first place. Surely this is the area of most moral culpability. But that is not the point of this discussion.

I do not intend to say that I believe that the taking of life in combat is wrong or immoral - it is not. In fact just the opposite is true: That's what the **just war** theory is all about. However, when innocent lives are taken by accident, **that**, even though it may be justifiable, **must surely be considered immoral**.

What about **ACCOUNTABILITY**? Who is **ACCOUNTABLE** for this loss of life? The U.S. certainly, and the offer of reparations has been made, but that is too broad. If we agree with Galloway's assessment that, "A critical part of (accountability) is the way we corporately manage violence in the defense of the United States,"¹¹ then we must also agree that the commander and crew of the VINCENNES are accountable for this loss of life.

This is not to imply that I think any disciplinary action should have been taken against them. I do not, but we DO NEED to acknowledge their responsibility if we hope to LEARN from this incident.

(Note that General George B. Crist, USMC, Commander in Chief of US Central Command, in his endorsement of the initial report wrote, "I am issuing a non-punitive letter of censure to the AAW for his failure to take timely and effective action to ensure that the information he was communicating to his Commanding Officer was accurate."¹³ But this was later withdrawn following a memorandum from Secretary of Defense Carlucci acting on the recommendation of Admiral William J. Crowe, Jr., Chairman of the Joint Chiefs of Staff who wrote, "The rationale behind a non-punitive letter is to point out lessons to be learned and ways to improve an officer's future performance. It is intended to be a private letter, not part of the officer's record, and not to influence an officer's career prospects. Due to the unusual public attention directed to this event, I believe that a non-punitive letter can hardly be issued and meet the spirit in which such a censure is intended.")¹³

MORAL COURAGE: "Moral strength enabling one to venture, persevere, and withstand **danger, fear,** or difficulty firmly and resolutely."¹⁴ True moral courage

would have been able to sort out the true facts and false perceptions which crept into the events in the Persian Gulf on 3 July 1988. Since these were not sorted out one is tempted to say that MORAL COURAGE was lacking. The real test of that, however, lies in the future as Captain Will Rogers and other members of his crew continue to deal with the results of that day. And therein lies a prescription for the future - for **them** and for **us**.

V. CONCLUSION

"The line between incompetence and immorality IS a thinner line in the military profession than in almost any other profession." Both the USS STARK's lack of response to a very real threat and her eventual calamity, and the USS VINCENNES' overreaction to a perceived threat serve to illustrate the veracity of this statement.

At the same time, both incidents ALSO demonstrate that it is not always possible in ANY given situation to recognize where we are on the line. The stresses of both Peace and Combat can easily cause any of us to cross the line between competency and incompetency - morality and immorality. **What is of utmost importance, however, is that we be able to know the difference, and so be better able to live with the decisions.**

Regardless of the results **WE WILL ALWAYS BE HELD ACCOUNTABLE FOR OUR DECISIONS.** WE, therefore, need to be as practiced and prepared as possible to sort out fact from fiction, the real from the perceived, the actual from the imagined.

If we ARE, and if we PRACTICE such an approach in everything we do, we will have taken the necessary steps toward building the **MORAL COURAGE** which is needed to practice our profession properly.

And that's the point: *We must learn to have the kind of confidence in our decisions and capabilities that will encourage and sustain us as we live with the results.* For only as we have such a confidence will we be able to perform our jobs to the best of our ability and in the best interests of these United States.

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END NOTES

¹ Since originally writing this paper I have discovered that Col Wakin used a similar phrase in a 1981 article titled "Ethics of Leadership." The quotation there is: "Within the context of the professional ethic, it appears the line between incompetence and immorality is a very thin line, perhaps most obviously so in the military profession... the incompetent military leader may bring about needless loss of life and indeed, at the extreme, may have at his fingertips the ability to destroy humanity as we know it." Colonel Malham M. Wakin, "Ethics of Leadership," in Military Leadership, James Buck and Lawrence Korb, editors. (Beverly Hills, CA: Sage Publications, 1981), p. 60.

² Webster's Third New International Dictionary, (Springfield, Ma: G & C Merriam Co., 1981.)

³ Chaplain, Lt Col, Edward E. Galloway, (USAF), Accountability, (Maxwell AFB, AL: Air War College Research Report. No. AU-AWC-87-067, 1987), p. 28.

⁴ Ibid., p. 51.

⁵ Rear Admiral Grant Sharp, (USN) "Formal Investigation REPORT: formal Investigation Into The Circumstances Surrounding the Attack on the USS STARK (FFG) On 17 May 1987." (Washington D.C.: Office of Information, Navy Department, 1987.)

⁶ Rear Admiral William M. Fogerty, (USN), "Investigation REPORT: Formal Investigation Into The Circumstances Surrounding the Downing of Iran Air Flight 655 on 3 July 1989." (Washington D.C.: Department of Defense, 1988.)

⁷ Michael Walzer, Just and Unjust Wars, (New York: Basic Book, Inc, 1977), p. 153.

⁸ Galloway, p. 128.

⁹ Fogerty, p. 43.

¹⁰ Webster's Third New International Dictionary, p. 1130

¹¹ Galloway, p. 28.

¹² General George B. Crist, (USMC) Commander in Chief US CENTCOM "First Endorsement on Rear Admiral Fogerty's letter of 28 July 1988." (Washington D.C.: Department of Defense, 1988.)

¹³ Admiral William J. Crowe Jr, (USN), Chairman Joint Chiefs of Staff, "Second Endorsement on Rear Admiral Fogerty's letter of 28 July 1988." (Washington D.C.: Department of Defense, 1988.)

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