

Sword of Damocles

A Framework to Identify the Causes of and Preventive Measures for Leader Misconduct

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Although it is an institution trusted with the moral application of violence, the Army, along with the rest of the armed services, is regarded as one of the most trusted institutions in America with 72 percent of Americans stating they trust the military a “great deal” or “quite a lot.”¹ This confidence in the military has steadily increased since Gallup began polling the variable in 1975 and increased during times of conflict with notable spikes during the Persian Gulf War and the onset of seemingly persistent conflict after 9/11.² There are, however, several pressures that might erode the American people’s confidence in the military and the Army, including the lessening of Army commitment in Iraq and Afghanistan and high-profile, senior leader misconduct. While the former is unavoidable and certainly desirable, the latter represents a challenge the Army must successfully confront to remain a trusted institution and best serve the public’s interest.

While most learn of senior leader misconduct from the press, Congress has also taken note, asking what the services are doing in response. In February of this year, the House Subcommittee of Military Personnel, part of the House Armed Services Committee, held a hearing explicitly addressing senior leader misconduct



The Sword of Damocles (1812), painting, by Richard Westall (Courtesy of Ackland Museum, Chapel Hill, North Carolina)

in the military. In her opening statement, ranking member Rep. Jackie Speier highlighted five instances of military senior leader misconduct in the last two years, four of which were attributed to Army general officers. She noted each offender did not seem to receive punishment commensurate with his offense, each service was not sufficiently transparent, and the public learned of each from the press. In closing her statement, Speier asked each testifying inspector general (IG) from the Department of Defense (DOD) and the services to tell the subcommittee how their respective offices were adding accountability and transparency to senior leader misconduct investigations. Lastly, she asked each service to inform the subcommittee about its efforts to prevent leader misconduct.³ Her concerns about the Army's efforts to combat leader misconduct are reflective of a potential crisis of confidence in the Army's ethical and moral foundations.

While Speier's concerns should be alarming to all Army leaders, some of them are more germane to the Army senior civilian and military leader level. The issue of prevention and the broader implications for junior leaders' training, education, and experiences, however, are not. How do senior leaders, even after thirty years of living under the influence of Army values, still compromise their professional obligations through unethical behavior? How should leader development and education programs better address ethical conduct throughout an officer's career? Are there methods to identify and rectify wayward officers earlier in their career? Are there other factors (i.e., professional or personal stressors) that disproportionately compromise a leader's ability to act ethically? Unfortunately, the Army lacks a framework to study these questions and make changes to personnel or leader development policies.

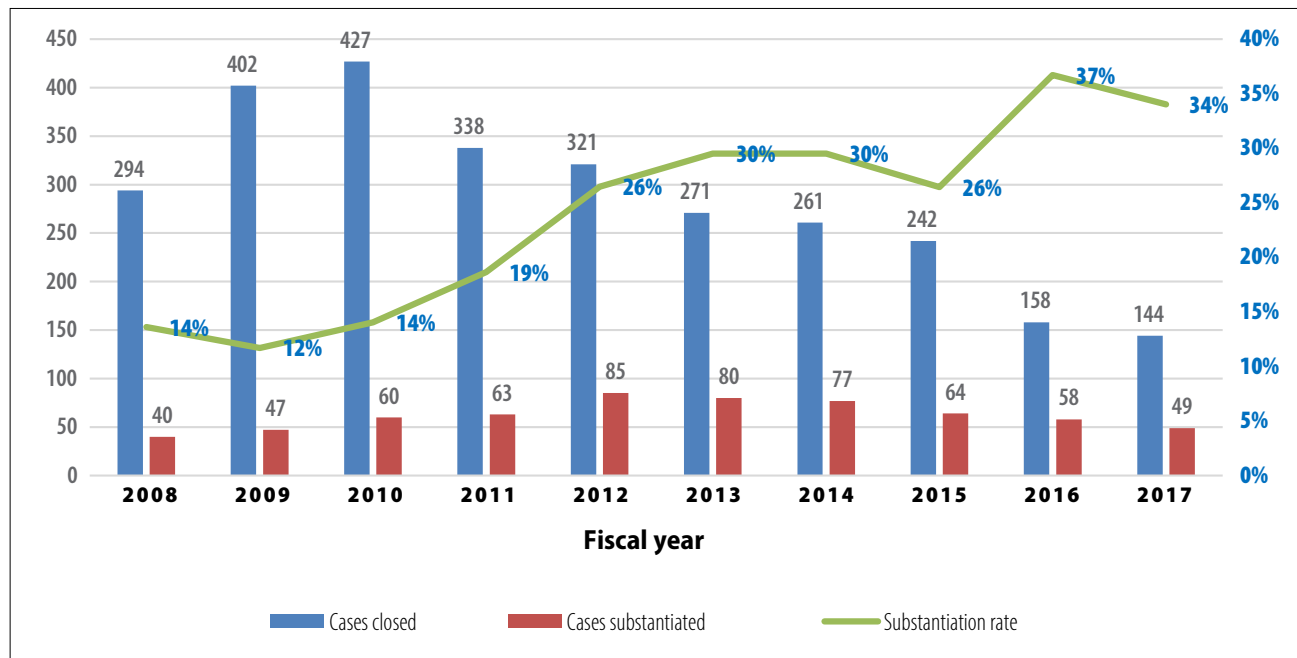
This article addresses the previous questions in two ways: by outlining current mechanisms to combat leader misconduct and by recommending the addition of a new framework. The first section briefly discusses how Army IGs currently investigate leader misconduct and the Army's evaluative and educational tools to measure and inculcate ethical behavior. The second section focuses on the types of leader misconduct and their potential causes. The last section proposes a framework to examine leader misconduct modeled on the Army accident investigation methodology.

Current Investigative, Educational, and Evaluative Tools

An overwhelming majority of Army leaders serve with distinction. For those that do not, the Army uses the chain of command or IGs (DOD, Army, installation, etc.) to determine if misconduct allegations are substantiated. For senior leaders (general officer-selects or higher), the Army and DOD IGs conduct these investigations.⁴ Whether the DOD, service, or other IG might investigate leader misconduct, their processes are largely aligned, and the DOD IG tracks all the cases at their level. Fortunately, after a peak in 2012, substantiated cases of senior leader misconduct have been declining across the services (see figure 1 on page 3).⁵ Unfortunately, leader misconduct still occurs and even one instance of senior leader misconduct is too many, especially for public figures. And the number of substantiated cases is still high given such a limited pool of leaders for which DOD and service IGs are responsible.

The purpose of an IG investigation into leader misconduct is to determine the validity of allegations and to refer substantiated cases to the chain of command for action. The DOD IG classifies the types of leader misconduct into five categories: personal misconduct/ethical violations, personnel matters, government resources, travel violations, and other.⁶ Personal misconduct and ethical violations include instances of inappropriate relationships, misuse of positions, and poor treatment of subordinates; the types of breaches that have gained the most publicity and have the most deleterious effect on trust in the chain of command and the service.⁷ While the Army takes administrative or punitive action in almost every case, that is where the process ends. Since the IG only investigates "what" happened and "who" is culpable, other leaders in the Army do not understand "why" or "how" these infractions take place. Not determining how and why prevents

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(Figure from Department of Defense Principal Deputy Inspector General report to Congress)

Figure 1. Number of Senior Official Misconduct Cases Closed, Substantiated, and Substantiation Rates

the modification of existing educational and training programs to avoid leader misconduct.

All Army officers receive moral and ethical training regardless of commissioning source or branch. This training occurs in professional military education and routinely during regular unit training and leader development. General officers receive additional training through the Army Strategic Education Program, General Officer Legal Orientation Course, and other educational and training opportunities.⁸ While the efficacy of these programs is beyond the scope of this article, examples of leader misconduct and the learning opportunities they might provide to junior officers are absent in the current educational framework.

Lastly, the Army has remarkably few tools to evaluate the character or ethical behavior of its officers, particularly at the junior ranks. Field Manual 6-22, *Leader Development*, lists character as one of the leader attributes, and it is important for effective Army leadership.⁹ Leaders, however, largely see character as dichotomous: the leader has character or does not (see the company-grade officer evaluation report).¹⁰ This concept of character denies the existence of gradations of ethical behavior and the possibility that

leaders can improve their character throughout their careers. As Leonard Wong and Stephen Gerrass argue in *Lying to Ourselves: Dishonesty in the Army Profession*, the pressures for leaders to act unethically or compromise their character exists at all levels of command.¹¹ Without transparency about the contributing environmental and personal factors to unethical behavior, officers struggle to make improvements as they progress to senior leadership. Given the conventional wisdom that senior leader misconduct is mostly a function of individual failures, the existing accountability, transparency, and prevention paradigm might be appropriate. Personal indiscretion, however, is not the sole determinant of leader misconduct.

Why Leader Misconduct Might Occur: It's Not Just "Bad Apples"

The military, as an institution, has some of the highest ethical standards for its leaders. It does not, however, have a monopoly on expectations of superlative ethical behavior from leaders. Business leadership also has moral and ethical implications, giving rise to academic work in both business leadership and psychology explaining leader misconduct. While there are indeed

other explanations, this article addresses three interpretations of leader misconduct: “destructive achievers,” “Bathsheba syndrome,” and “ego depletion.”

Destructive achievers. In his book *Destructive Achievers: Power and Ethics in the American Corporation*, Charles Kelly categorizes business managers into one of five categories: leader, builder, destructive achiever, innovator, and mechanic. The most effective are “leaders” who exhibit ethical behavior, high competence, and charisma. A destructive achiever, on the other hand, can be corrosive to the functioning of the organization subordinating ethical behavior and operational values to self-advancement.¹² Kelly describes destructive achievers as difficult for superiors to spot but easily discernible to subordinates.

Kelly’s destructive achiever represents the “bad apple explanation,” where senior leader misconduct occurs because there are bound to be ethically challenged leaders in any sizable population. This explanation is unsatisfying, however. With the Army’s long-term and wide use of command climate surveys and the relatively recent adoption of 360-degree assessments, how could destructive achievers attain such high positions? Additionally, the bad apples explanation condemns Army’s ethics education models. Twenty or thirty years of service in the Army should both identify and rectify leaders with poor character. If it does not, it is failing. There are, however, more complex and nuanced explanations for leader misconduct.

Bathsheba syndrome. Dean Ludwig and Clinton Longenecker present an alternative explanation for leader misconduct in their article “The Bathsheba Syndrome: The Ethical Failure of Successful Leaders.” Ludwig and Longenecker argue lack of principles (i.e., destructive achievers) and competitive pressure are poor explanations for unethical leadership. Instead they posit leaders often fail ethically *because* they are successful. Successful leaders are both presented with unique challenges and are ill-prepared to meet them.¹³ They present four “by-products” successful leaders experience: (1) privileged access, (2) inflated belief in personal ability, (3) control of resources, and (4) loss of strategic focus.¹⁴ The first two occur at the personal level and the latter two at the organizational level.¹⁵ Their analysis is interesting for two reasons. First, it debunks claims unethical behavior is mostly the result of compromised ethical foundations. Secondly, it introduces external factors that influence

ethical leaders to make unethical choices. Taken together, their explanations call for more leader introspection, education, and understanding of ethical behavior in both personal and professional settings.

Ego depletion. The last, most technical and most challenging potential factor of leader misconduct is the concept of ego depletion. Ego depletion (and closely related concepts such as executive function and self-control) theorizes that an individual’s ability to regulate behavior comes from an exhaustible resource. Roy Baumeister et al. define ego depletion as the “temporary reduction in the self’s capacity or willingness to engage in volitional action (including controlling the environment, controlling the self, making choices, and initiating action) caused by prior exercise of volition.”¹⁶ In other words, the same resource that governs one’s ability to control behavior also governs decision-making and purposefully shaping the environment. Every person has a limited supply of this resource, so the high-stakes, high-stress nature of senior leaders’ positions might contribute to compromised abilities to control behavior. This explanation, however, is fraught with challenging implications.

Research on ego depletion can lead some readers to question concepts such as agency and free will. The Army should never excuse unethical behavior and should hold leaders accountable for their actions. The environmental and human factors that contribute to a leader’s compromised emotional or psychological state, however, can be illustrative to subordinate leaders. If a junior officer recognizes he or she is unable to make sound ethical decisions because of environmental stressors, changing the environment or commitment strategies are pertinent. A better understanding of ego depletion might lead the Army to change leaders’ duties and responsibilities to limit the effects of cumulative, ego-depleting experiences. The Army has long recognized “rest” as a depletable resource. A more rigorous study of ego depletion on leaders’ ethical behavior might lead to tangible procedures to prevent executive resource exhaustion.

Accident Investigations as a Generalizable Framework to Examine Unethical Behavior: The Introduction of Ethical Feedback

Army accident investigations examine the causes of Army accidents, both air and ground, to prevent future accidents. Accident investigations consider the

totality of contributing circumstances of an accident including environmental factors, materiel failure, and human error.¹⁷ Army accident investigations consist of four phases, each with distinct purposes and outputs (see figure 2).¹⁸ After the organization and preliminary examination (phase 1), investigators collect data to capture all the factors that might have contributed to the accident and determine “what” happened (phase 2). Phase 3 consists of analysis and deliberations on system inadequacies and root causes within each category: environmental, materiel, or human. It focuses on “why” the accident happened and includes topics from the serviceability of the equipment to operating procedures and individual training. Lastly, phase 4 makes recommendations in the form of controls, corrective actions or countermeasures.¹⁹ Examples of recommendations might be changes to standard operating procedures, individual training/education requirements, or the replacement of faulty equipment or components. These recommendations are then disseminated to enhance the force’s ability to prevent future accidents.

The focus of accident investigations on prevention makes it a useful construct to examine leader misconduct. (The table, on page 6, demonstrates how

the accident investigation format can be applied to misconduct investigations.) While command or IG investigations seek to answer what happened and determine culpability, accident investigations focus on why it happened to prevent future failure. As the previous section illustrates, merely finding culpability does little to explain why leader misconduct occurs or



(Figure from the Accident Investigator's Handbook)

Figure 2. Four Phases of Army Accident Investigations

inform the force on what to do about it. Determining causal and contributing environmental factors and human error helps the Army modify its leader development models. Perhaps there are environmental factors another leader recognizes and can adjust his or her routines to reduce those pressures. There may be a leader that learns he or she has failed to account for actions he or she is taking contributing to a subordinate’s ethical failure. Each can be illustrative, but the

Table. Application of the Accident Investigation Framework to Misconduct Investigations

Accident investigation phases	Proposed misconduct investigation phases
Phase 1: Organization and preliminary exam	Phase 1: Organize the investigative team <ul style="list-style-type: none"> · Recommended members <ul style="list-style-type: none"> - President: Army senior leader, active or retired - Human resources experts - Experts in the following fields: ethics, psychology, individual and organizational leadership
Phase 2: Data collection "What happened?" Cause factors <ul style="list-style-type: none"> · Environmental factors · Materiel factors · Human error 	Phase 2: Data collection "What happened?" This information might already exist from command or inspector general investigations. Cause factors <ul style="list-style-type: none"> · Environmental factors (circumstances and stressors surrounding the event) · Historical factors (What are the historical factors that might contribute to the event?) · Human error (everything else when environmental and historical factors are accounted for)
Phase 3: Analysis and deliberations "Why it happened?" System inadequacies/root causes <ul style="list-style-type: none"> · Environmental · Materiel · Human error <ul style="list-style-type: none"> - Support - Standards - Training - Leader - Individual 	Phase 3: Analysis and deliberations "Why it happened?" This is the most important phase of the investigation. Determining "why" misconduct occurs is the purpose of these investigations. System inadequacies/root causes <ul style="list-style-type: none"> · Environmental (contributing or causal) · Historical (contributing or causal) · Human error <ul style="list-style-type: none"> - Support (Did the leader lack a support structure?) - Standards (Were standards not understood or articulated?) - Training (Did the leader lack training?) - Leader (Were leaders not involved in their subordinates' conduct?) - Individual (Did the leader in question have individual failings? While this is true in all cases, the goal of the investigative team should be to account for all other contributing and causal factors)
Phase 4: Complete field report "Recommendations" <ul style="list-style-type: none"> · Controls · Corrective actions · Countermeasures · Directed to <ul style="list-style-type: none"> - Unit - Higher - Army 	Phase 4: Complete field report "Recommendations" <ul style="list-style-type: none"> · Controls (modifications to leader evaluation to identify leaders with a higher likelihood to be involved in misconduct) · Corrective actions (modifications to leader training and development) · Countermeasures (modifications to environmental risks to minimize future occurrence) · Directed to <ul style="list-style-type: none"> - Higher - Army

(Table by author)

rote application of the Army accident investigation process to ethical failure has its pitfalls.

Only some of the components of the accident investigation process are germane to leader misconduct. The first is the focus on why within the context of the environment. Identifying distal and proximate causes and contributing factors helps leaders adjust training and education, operating procedures, and other controls that aid leaders in identifying and countering pressures on their ethical behavior. Second, anonymization allows investigators to get more candid responses during their inquiry. By the time investigators probe the causes of leader misconduct, command and IG processes to determine culpability have likely finished. The anonymization of individuals and selective obscuration of circumstances can help ameliorate privacy concerns. Lastly, the dissemination protocols for accident investigation results should inform leader development. These results should identify areas current training and education fail to address and provide relevant case studies leaders can discuss. While the lessons of a particular incident might not be useful to all leaders, ethical awareness will increase in the aggregate.

Criticisms of the “Ethics Police”

While there are several possible criticisms of having investigation protocols for leader misconduct, two are the most valid: (1) the organizational and command climate implications of leader misconduct investigations and (2) the resource requirements and determining who has executive responsibility. Both critiques require additional scrutiny but neither prevents implementation. While having “ethics police” could have deleterious effects on the Army command climate, accident investigations have not had such effects. Artful application, bearing in mind valid leader concerns, limits the stifling effects such investigations could have. These effects,

however, are likely less pronounced than current IG or command investigations. Additionally, since prevention, not culpability, is the aim, Army leaders should not fear ethics investigations based on accident investigation methodology. Lastly, ethical leadership should be a core value within the Army, even more so than safety.

The second critique, who will investigate and with what resources, presents a more significant challenge to this proposal. Several organizations could investigate leader misconduct for prevention. The IG at each echelon already investigates allegations of leader misconduct. For expediency, the IG could add preventive measures to their investigative procedures. As the DOD IG noted during his testimony, however, IG resources are already stretched thin.²⁰ Additionally, it may be wiser to keep culpability and prevention investigations separate. The Center for the Army Professional Ethic (CAPE) could serve an analogous function as the Army Safety Center: being the proponent for investigation procedures and where required, sending teams and experts to assist. Currently, CAPE does not have investigations as an element of its research and assessment objectives but could with additional resources.²¹

Conclusion

Army accident investigation procedures that focus on the identification of causes and prevention provide a useful framework to more rigorously examine senior leader misconduct. While the Army can attribute many instances of unethical leadership to individual failure, there are likely other causal or contributing mechanisms. Unfortunately, the Army does not have a robust, transparent system to study leader misconduct and institute changes to enable prevention. With the media, Congress, and the public more attuned to unethical Army leadership, self-policing will restore and enhance confidence in the Army’s ethical and moral foundations. ■

Notes

1. “Confidence in Institutions [1973-2018],” Gallup, accessed 13 August 2018, <http://news.gallup.com/poll/1597/Confidence-Institutions.aspx>.

2. Ibid.

3. *Senior Leader Misconduct: Prevention and Accountability Hearing, Before the House Armed Services Committee and Military Personnel Subcommittee*, 115th Cong. (7 February 2018), accessed

20 August 2018, <https://armedservices.house.gov/legislation/hearings/senior-leader-misconduct-prevention-and-accountability>.

4. Ibid., statement of Glenn Fine, Department of Defense Principal Deputy Inspector General.

5. Ibid.

6. Ibid.

7. Ibid.

8. Ibid., statement of General James C. McConville, Vice Chief of Staff United States Army.
9. Field Manual 6-22, *Leader Development* (Washington, DC: U.S. Government Publishing Office, 30 June 2015), 1-4.
10. Department of the Army (DA) Form 67-9, "Officer Evaluation Report," Army Publishing Directorate, accessed 23 August 2018, <https://armypubs.army.mil/ProductMaps/PubForm/Details.aspx?PUBNO=DA+FORM+67-9>.
11. Leonard Wong and Stephen J. Gerras, *Lying to Ourselves: Dishonesty in the Army Profession* (Carlisle Barracks, PA: Army War College, Strategic Studies Institute, 2015).
12. Charles M. Kelly, *The Destructive Achiever: Power and Ethics in the American Corporation* (Reading, MA: Addison-Wesley, 1988), 5.
13. Dean C. Ludwig and Clinton O. Longenecker, "The Bathsheba Syndrome: The Ethical Failure of Successful Leaders," *Journal of Business Ethics* 12, no. 4 (1993): 265–73.
14. Ibid., 270.
15. Ibid.
16. Roy F. Baumeister et al., "Ego Depletion: Is the Active Self a Limited Resource?," *Journal of Personality and Psychology Today* 74, no. 5. (1998): 1253.
17. *Accident Investigator's Handbook* (Washington, DC: U.S. Army Safety Center, August 2015), accessed 20 August 2018, https://safety.army.mil/Portals/0/Documents/REPORTINGANDINVESTIGATION/REPORTINGANDINVESTIGATIONHOME/Standard/Accident_Investigators_Handbook.pdf.
18. Ibid.
19. Ibid.
20. Fine, *Senior Leader Misconduct Hearing*.
21. "Research and Assessment," Center for the Army Profession and Ethic, last modified 21 December 2017, accessed 13 August 2018, <http://cape.army.mil/research.php>.