

IDEAS & ISSUES (LEGAL)

Warriors and Their Lawyers

Where are our leaders?

by LtCol Forrest R. Lindsey, USMC(Ret)

I received an e-mail several months ago from a Marine, and I was both amused and appalled to find this notice appended to the bottom of the signature block:

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Lawyers have given them overly restrictive ROE. (Photo by Cpl Antonio Rosas.)

>LtCol Lindsey is a retired Marine artillery officer.

Of the many ridiculous directions the Marine Corps has taken over the last several decades, this latest obsession with infusing lawyers into every single one of our processes is almost certainly the worst. The upper reaches of the Marine Corps have taken to clinging to lawyers as if they were some kind of talisman or human flak jacket to protect them from all possible risk. The military profession is by definition an immersion into risk. The whole existence of the Marine Corps is one of risking its members to warfare in support of their country. So how is it that our leaders in the Marine Corps and throughout the DoD have become so attached to their lawyers? We see it every day from the

wordy statements at the bottom of e-mails to the overly detailed, restrictive, and unrealistic rules of engagement (ROE) to the hilariously inadequate reflective belts everyone has to wear while running. We have to attend endless sessions of motorcycle safety, equal opportunity, sexual harassment, suicide prevention, and alcohol and drug abuse prevention lectures, and years are added to the development of equipment until all of the vaguest possibilities of a mishap are developed out of them by various safety boards. You can't schedule any kind of training event without first carefully composing comprehensive lists of all of the potential untoward events that could conceivably happen and then writing all of the remedies you can think of for all of them. We have armored our troops to the point that they can barely waddle around on pa-

trol in the terrific heat because everyone in the chain of command is terrified that someone may get shot. We are the world's premier fighting force that is afraid of doing anything that might get us into trouble!

Where and when did this insidious form of cowardice crop up? In my opinion it started when Marine leaders started to get more and more involved in the lucrative "careers after careers"—memberships on boards of directors, memberships with various think tanks, presidencies and vice presidencies for big companies, shilling for various products, and paid speaking engagements. These careers provide big money for those Marine leaders who make it to the top and don't get in any trouble. It also became less likely that anyone would threaten to resign his career to avert some bad decision or ruinous policy. Everybody just learned instead to play it smart and keep quiet.

We also agreed to submit our officers to the command selection board process. That seemed innocent enough at first, but it has had major ramifications for the whole character of Marine Corps leadership. In the past, the division or wing commanding general chose who would be his regiment/group and battalion/squadron commanders and if somebody wasn't picked for a command, then it was just the "luck of the draw" and nobody's career got hurt. Now we have the selected and the nonselected, the slated and the unslated, and the unspoken truth is that an officer's career is at a dead end if he isn't one of the chosen few. What kind of officer does that breed? The bold and innovative type or the kind that doesn't make waves? Don't think for a second that all of our young officers aren't aware of the need for discretion and risk avoidance to make it past this large hurdle. How did we get the great leaders we had in the past without the help of the command selection board? Let's put it this way. If you have an officer who isn't fully capable of command, then he shouldn't be wearing the rank insignia. We don't need a

command selection board; we need to weed out nonperformers.

Risk is the stock in trade of the Marine leader; we exist for risk. Everyone in command knows that they are responsible for everything that goes right and everything that goes wrong with their commands. We cannot sign away our responsibilities, we cannot lecture away our responsibilities, and we cannot have lawyers and boards accept our responsibilities for us. Marine leaders should know all by themselves what they need to do and then do it, without hoping that some lawyer will save them from it all with a well-composed legal statement. We have one of the finest and most experienced generations of young combat Marines that we have ever had, and we need leaders who can lead them capably and fully without worrying whether a decision may risk their future portfolios.

We have a couple of generations of leaders who not only avoid risk, some

are even dragging down the future effectiveness of the Marine Corps by always looking for "how things can't be done" rather than looking for ways to make things happen. We have large parts of our Marine Corps staffs with the deserved reputation of blocking any new ideas because those ideas don't follow their hardened patterns of preferences.

Get those silly legal statements out of your e-mails, break your shackles, and lead! Restore the innovation and risk-taking that has made the Marine Corps so disproportionately successful for more than two centuries. Get the lawyers out of your decisions and careerism out of the Corps before it's too late.

U.S. MARINE CORPS



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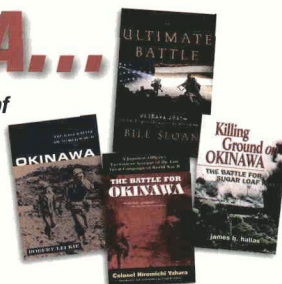
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