

Ethical Decision Problem #8

Driving Under the Influence?

Situation

A capable, well-regarded lieutenant, selected for promotion and about to pin on captain's bars, reported to his company commander that he had been involved in a relatively minor traffic accident but had left the scene before police arrived.

The lieutenant said he had been to a wedding reception and had consumed three drinks and a glass of champagne over a period of several hours. On the way home he ran into the rear of the vehicle ahead of him which stopped suddenly at a yield sign. Damage was minor. He exchanged information with the other driver assuring him he would pay for the broken taillight and any other damage. The other driver, however, felt he should have a police report to support his claim. The lieutenant, fearful he would be charged with driving under the influence even though he was "completely sober," left the scene before police arrived.

The company commander reported the situ-

ation to the battalion commanding officer and directed the lieutenant to go to the base substance abuse counseling officer for screening. The lieutenant later attended a level one seminar at another facility. The battalion commander decided to wait on any punishment until the matter was completely resolved and told the company commander that they should handle the matter quietly.

The company commander made no mention of the incident on the lieutenant's transfer fitness report, nor did the reviewing officer. The lieutenant hired a lawyer, stood trial, and was found not guilty by an understanding judge. The lieutenant subsequently was promoted to captain, selected for intermediate school, and given a top secret clearance.

Would you have acted differently if you were the company commander? the battalion commander? Should he have been promoted and sent to school?

EDPs involve real-world leadership challenges that usually have a significant ethical/values component. They are typical of challenges that have confronted Marines in the past and could easily be encountered in the future. Readers should analyze the problem carefully and decide what action they would take.

Turn to page 78 to see how others say they would have handled this problem.

Driving Under the Influence?

Alternative A

The possible driving under the influence (DUI), the accident, and leaving the scene were all crimes, but the worst ethical offense was, arguably, the glossing over of the incident by the company and battalion commanders.

As a prosecuting attorney, I have probably handled more than 1,000 cases involving DUIs. The few that I have lost were because of technicalities in the law, or police officer error, or because we could not provide proof of the required elements. In these cases, the defendant should be found not guilty, and the same applies to the lieutenant.

But in my book, Marines are held to higher standards. His actions reveal a breach in his integrity far worse than a DUI conviction. Counseling and therapy may alter his drinking habits, but the revealed character flaw, the fail-

ure to assume full responsibility for his own behavior, is a wound that will not heal. In my opinion the incident should be reflected in the fitness report even though the outcome is not clear, and it should be commented on by the reviewing officer. I also believe the command should consider some additional disciplinary action because of the poor judgment and violations of the law that were involved. The action taken in the case clearly implies a coverup by the chain of command, a double standard, and favoritism. It sends the wrong message to the rest of the command. Such incidents can never be "handled quietly."

The Marine Corps has far more good officers than it has "boat spaces." The promotion and intermediate level schooling should not be wasted on an officer who fails to hold himself accountable.

Alternative B

As presented, this incident clearly involves a good lieutenant, one who is easily in the upper one-third of his peer group or he would not have been selected for intermediate level school. What the incident highlights is a serious institutional flaw—the continuing adverse impact of the Corps' zero defect syndrome.

When the accident occurred the lieutenant acted responsibly toward the other driver exchanging information and assuring him that restitution would be made. When it became apparent that the police would be involved, the possibility of DUI charges, warranted or not, emerged in his

mind. He saw his career in jeopardy and departed the area—a decision driven far more by zero defect realities than by any defect in the officer's character.

Battalion commanders have to make many tough calls today and put their careers on the line to provide justice for their Marines and to offset the political correctness that often substitutes for responsible leadership.

Inasmuch as the officer was found not guilty, there will be no adverse morale impact. The battalion commander took care of his own and saved the career of a deserving officer.

These approaches represent the immediate reactions of individual Marines and should not be construed as official solutions. Comments are welcomed.