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HADITHA: Undue Influence from the Start

Bob Weimann, LtCol USMC (Ret) | October 30, 2008 | [Pdf version](#)

Initially, when the Haditha story broke, a number of things did not make sense to me and sent my mental warning flags flying. One of the concerns was that so many of the Pentagon generals seem to be involved while the investigations were still being conducted. In addition, the Washington generals were not relying on the combat commanders in Iraq to establish the facts of Haditha but were responding to the Washington political pressure and media.

Another flag was the censure and relief of the Marine Corps combat chain of command. Again, the censures and relief occurred before the investigations established the facts.

The Laws of Armed Conflict (LOAC) and the UCMJ are a commander's tools that provide war fighters the legal authority to execute combat operations. In fact, I would make the argument that combat command authority and the Rules of Armed Conflict is actually a symbiotic relationship. If you delete one the other cannot successfully exist. A UCMJ investigation's primary purpose is to establish the facts. If you censure and relieve the combat chain of command from general officer to squad leader, you have effectively taken out the mechanism to establish the facts of what actually happened.

I will walk you through my thinking on this and specifically why I feel the Commandant exercised "undue influence".

In 1986, the US Congress passed the Goldwater-Nichols DOD (Department of Defense) Reform Act. This Congressional Act, made major changes to DOD and effectively split the DOD into two spheres of command influence with specific roles and authority. One set of command authority is administrative (think of the service heads; e.g., like USMC Commandant, General Hagee); and one set is the joint service war fighting authority (think the combat commanders here; e.g., like General Schwarkopf of Desert Storm fame).

The service head is responsible to recruit, train, and equip service forces. The Combat Commander is responsible for the fighting forces in their assigned regional areas. One of the purposes of the Goldwater-Nichols Reform Act was to correct the known imbalance between Services (administrative) and Joint Command (combat) interest. The Congressional Armed Forces Committee describes the imbalance here:

Under current arrangements, the three Military Departments and four Services exercise power and influence which are out of proportion to their statutory duties. The predominance of Service perspectives in DoD decision-making results from three basic problems: (1) the Office of the Secretary of Defense (OSD) is not organized to effectively integrate Service capabilities and programs into the forces needed to fulfill the major missions of DoD; (2) the Joint Chiefs of Staff (JCS) system is dominated by the Services which retain an effective veto over nearly every JCS action; and (3) the unified combatant commands are also dominated by the Services, primarily through the strength and independence of the Service component commanders within those commands and constraints placed upon the authority of the unified combatant commanders. In sum, the problem of **undue Service influence** arises not from Service malfeasance, but principally from the weaknesses of organizations that are responsible for joint military preparation, planning, and operations. [\[1\]](#) (*Emphasis added to the words "undue Service influence"*)

The Goldwater-Nichols Act established a set of command relationships to correct this imbalance for the combat chain of command, the Secretary of Defense, the Joint Chiefs of Staff and the Service Secretaries. This Congressional Act also established the Regional Commander-in-Chief (CINC) and provided them with Combat Command (COCOM) authority. Mr. Rumsfeld would later change this name from CINC to Combat Commander. The Combat Commander is the only military commander that has Combat Command Authority and therefore, they are the only generals with authority to command US forces in combat operations. The Commandant of the Marine Corps, as a service chief, does not have combat authority nor is he in the combat chain of command.

At the time of the Haditha incident, Lt General Chiarelli, Commander MNF-I (Multi-National Force-Iraq) worked directly for the Combat Commander, US Central Command General Abizaid. Iraq is one of the countries that fall into General Abizaid's regional authority.

General Chiarelli, as the Combat Commander's direct representative in Iraq is therefore, the senior combat commander in Iraq. The Marine combat chain of command in Iraq essentially started with 3/1 in Haditha and goes to the senior Marine Command of Multi-National Forces (MNF)-West. When General Chiarelli ordered the Haditha investigations, he was well within his authority to establish the facts and circumstances of the Haditha fight because it is clearly a combat action falling within the combat chain of command authority.

Chiarelli's responsibility in this case, is to complete the investigations, thereby establishing the facts, stating logical opinions and making recommendations for further actions. Upon completion, General Chiarelli can refer the investigations to one of his subordinate commanders (in the combat chain of command) for further investigation or actions. Chiarelli, in fact, does this by referring the first investigation ([the Watt Investigation](#)) to Major General Zilmer, his subordinate Marine Commander. Chiarelli can also decide to refer the investigation to his boss, Commander Central Command also in the combat chain of command. Once in General Abizaid hands, he can then refer the matter to the Secretary of Defense. The

Secretary of Defense can, in turn, refer the investigation to the Service head. Before all this can be accomplished, however, we see the Commandant of the Marine Corps, General Hagee, getting involved.

The Commandant deploys NCIS (Naval Criminal Investigation Service) to Iraq arriving in Haditha, March 13, 2006, only two days after Lt General Chiarelli refers the first investigation to his Marine Commander, Major General Zilmer, Multi-National Forces (MNF)-West. NCIS also arrives while the second investigation is still on going.

Sending NCIS to Iraq is where the administrative or political DOD states to interfere and influence the combat command side of DOD. The Commandant is essentially jumping the chain of command. He is doing this in response to the political pressures he is receiving in Washington, far from the realities of combat. At the time, the Commandant was particularly vulnerable to political pressure because he was seeking \$12 billion dollars over his annual budget in equipment costs. Additionally, Hagee was fighting a battle with Washington to keep the Corps' end strength at 180,000 rather than the 175,000 prescribed by the Quadrennial Defense Review. [2]

Hagee is, in fact, meddling in the combat affairs of the in-country ground commanders who are closest to the actual situation. By jumping the chain of command, he is exercising undue influence. This is exactly a situation that the Goldwater-Nichols Act is designed to prevent.

As I stated, the Rules of Armed Conflict is a combat command tool that establishes the legal limits in destroying your enemy. These rules also establish the principles of military necessity and proportionality governing the legal use of force in armed conflict. "Military necessity is governed by several constrains: an attack or action must be intended to help in the military defeat of the enemy, it must be an attack on a military objective, and the harm caused to civilian or civilian property must be proportional and not excessive in relation to the concrete and direct military advantage anticipated." [3]

The determination of military necessity is the field commander's responsibility and not the Commandant's. The first investigation, or Watt Investigation, does not find any violations to the Law of Armed Conflict. When the Commandant starts to meddle in the combat commander's investigations, for example, when he orders NCIS to Iraq, we see the Haditha case quickly spin out of control politically and publicly. In the Haditha case, because he does not have combat responsibility, the Commandant is clearly acting outside his authority bringing undue influence to bear on the case. He continues to exercise that undue influence as he visits the Marine Corps commands giving his "[On Marine Virtue](#)" speech before the investigations are complete.

The Marines of Haditha are the individuals that pay the price for the Commandant's and other general officer mistakes. Six of the Marine's charges have been dropped or dismissed. These six Marines have paid a terrible price in an unnecessary test of honor, endurance and loyalty. Cpl Justin Sharrett and his family still battles on in their quest for what is right regarding Congressman Murtha's slander. Two still remain in the legal process and continue to pay that same price as the legal maneuvering of their cases drags on. I can only state that if I were in their shoes, the feelings of betrayal and distrust would be gnawing at my insides to the point of testing my sanity. We must continue to support the Haditha Marines, especially SSgt Frank Wuterich and LtCol Jeffrey Chessani, both are victims of general officer political motivations to meddle in the affairs of warriors.

Semper Fi,

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[1] Committee on the Armed Forces Of the United States; Department of the Defense Reorganization Act, Report 99-280; p7; April 14, 1986

[2] [Interview with General Hagee](#), Military.com, June 23, 2006

[3] http://en.wikipedia.org/wiki/Military_necessity



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Read more on the Haditha case by Bob Weimann:

[The Sins of Generals: An open letter to General Michael Hagee, Commandant of the Marine Corps \(2003-2006\)](#), October 11, 2008

[The Case for a Squad Leader: SSgt Wuterich in Haditha](#), July 25, 2008.

[Huzzah! Huzzah! HUZZAHHH!](#), June 6, 2008.

[Open Letter to the Commandant of the United States Marine Corps concerning the 3/1 Haditha Marines](#), February 8, 2008.

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