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HADITHA: The Sins of Generals: Part Four

The Loss of Strategic Legitimacy

Bob Weimann | December 1, 2009 | [Pdf version](#)

“War leads to war crimes, and the only sure way to avoid that seems to be to avoid war. Good example, discipline and control (good leadership) can only reduce the problem.”

--Comment on *Small Wars Journal* discussion blog titled [“The Kill Company”](#) concerning *The New Yorker* article (6 July 2009, page 41).

Looking at the latest edition of the DOD Joint Operations Manual (JP 3-0, Joint Operations, 17 September 2006, Incorporating Change 1, 13 February 2008), I noticed, under the “Summary of Changes Section”, they added three new Principles of Joint Operations. In the change section, it states that the publication:

Establishes 12 “principles of joint operations” by adding three “other principles”--restraint, perseverance, and legitimacy--to the traditional nine “principles of war”.

The Department of Defense once had only nine “principles of war” that included Mass, Objective, Offensive, Security, Economy of Force, Maneuver, Unity of Command, Surprise and Simplicity. These principles were burned into our minds as 2nd Lieutenants with the permanency of a branding iron during our initial officer training courses using the acronym “MOOSE MUSS”. Ahhh yes, good old MOOSE MUSS; because of it I will never forget those nine strategic principles of war. I also have to wonder why the Department of Defense changed them in 2008 with three additions after more than forty years of military institutionalization.

Because the original nine principles are based on Clausewitz’s work *On War*, they represented our (2nd Lieutenants that is) initial introduction to military strategy. Of course, strategy is the realm of generals and junior officers need to know only the basics. Back then, we fully agreed to that unwritten rule because we recognized that the basic operation and function of an M-60 machine gun would be much more valuable to us “2nd LTs” working at that “eyeball-to-eyeball” level of war. In those days, we trusted that our generals had our backs on that strategy thing.

The new additions to the principles of war that were added in February 2008 are explained as follows:

Restraint: The purpose of restraint is to limit collateral damage and prevent the unnecessary use of force...

Perseverance: The purpose of perseverance is to ensure the commitment necessary to attain the national strategic end state...

Legitimacy: The purpose of legitimacy is to develop and maintain the will necessary to attain the national strategic end state...

Legitimacy is based on the legality, morality, and rightness of the actions undertaken. Legitimacy is frequently a decisive element. Interested audiences may include the foreign nations, civil populations in the operational area, and the participating forces.

My first reaction to these terms and definitions is that they strike me more as legal terms when compared to the old principles of war. Discussing it with another veteran Marine friend, I observed a similar reaction when he commented that the three new principles make it sound like the state is indicting itself. I also have to wonder if the reason they have now crept into the “Principles of War” is due to the bad press we take when a “war crime” headline hits the media. Of the three, however, I feel the quest for legitimacy is the key to what we are seeing in the prosecution of our own Marines and Soldiers for war crimes in both Iraq and Afghanistan.

At the end of April 2004, the Abu Gharib prison photos were released onto the US public highlighting one of the greatest military strategic failures in the history of this nation. The moral high ground and "legitimacy" essential for the war's public support took a devastating blow. Cognitive dissonance, created between the images of heroic Marines and Soldiers successful invading Iraq from the previous year and the degrading torture photos of prisoners prostrate under smiling "thumbs-up", lost the legitimacy principle to a now confused public perception. Abu Gharib was a strategic embarrassment that sent the generals reeling. Their response was to embark on a "Holy Grail" quest to again find that legitimacy within their administrative realms.

Clearly war crimes were committed at Abu Gharib, but, I feel, the responsibility also rests with the general's failure to set the strategic tapestry necessary for success in both Iraq and Afghanistan. The lack of good strategic thinking botched the Iraqi occupation and set up Abu Gharib's war crimes. Multiple strategic failures combined to drive the Abu Gharib public affairs disaster and not just a "few bad apples", as portrayed by the court martial of a small group of junior enlisted MPs.

A shortage of occupation forces attributed to a "stiff-necked" Secretary of Defense, and general officers failing to establish an effective occupation strategy created an expanding insurgency. These are both major contributing factors.

In addition, the general's reaction to the growing insurgency that was spinning out of control was to initiate massive and ineffectual security raids. The security raids were an attempt to capture the initiative they no longer controlled. The raids were not only bad counter insurgency tactics but also they would dump thousands of security detainees into Abu Gharib in a matter of weeks. Detainees entering Abu Gharib at a rate of 3000 per month, quickly overwhelmed the general's own detainee system built upon limited untrained personal and non-existent procedures (see [Taguba Report](#)).

The generals went into the knee-jerk reaction mode after Abu Gharib hit. First, instead of fixing their own system to support the field commanders desperately dealing with a growing insurgency, they walked away from the issue and like ostriches, buried their heads in the sand. Instead of fixing and establishing an effective detainee program, they played to the politics with a "catch and release" policy that undermines our frontline warriors dealing with that eye-to-eye insurgency battle.

Second, they institutionalized a sensitivity or a "no tolerance" policy for any perceived war crime when combat operations against insurgents, using civilians as shields, represents a vast grey area that is never adequately covered with any rules of engagement set.

As a positive example, after eight years of war in Afghanistan (and almost seven in Iraq), one of our generals finally gets it. General McCrystal Afghanistan Assessment states:

Effective detainee operations are essential to success. The ability to remove insurgents from the battle field is critical to effective protection of the population. Further, the precision demanded in effective counter insurgency operations must be intelligence driven; detainee operations are critical to this ... the detention process must be effective in providing key intelligence and avoid 'catch and release' approaches that endanger coalition and ANSF forces. (see [COMISAF's Initial Assessment](#) (McCrystal Assessment) to The Honorable Robert M. Gates, Secretary of Defense, dtd 30 Aug 2009, pp. 2-16)

Capt Roger Hill and 1st Sgt Tommy Scott ran afoul of the 96 hour "catch and release" policy during their 2008 deployment to Afghanistan. The Captain, based on his 30+ casualties due to ambushes to his 90 soldier company, is suspicious of his Afghanistan military partners who also help man his Forward Operating Base defensive perimeter. He sets up a sting operation and catches 12 Afghanistan soldiers, including his interpreter, facilitating another ambush. The captain takes those 12 Afghan soldiers into custody and informs his battalion what has happened. For the next 80 hours (3 plus days), Captain Hill tries to get help from his battalion headquarters. At hour 80, with the clock running out because of the 96 hour "catch and release" rule, he takes matters into his own hands and with the help of his first sergeant conducts an interrogation. His initiative is rewarded with charges of "detainee" abuse and other war crimes. His additional reward is his discharge from the Army and his first sergeant losing a stripe.

In Iraq in the spring of 2007, 1st Sgt John E. Hatley's company is taking casualties to include a recent death from an enemy sniper team operating in his company's area of responsibility. 1st Sgt Hatley and two of his NCOs captured four Iraqis with assault rifles, ammunition, and two sniper rifles. After they take the Iraqis into custody and during transport they receive orders to release their prisoners. These soldiers are later charged and found guilty of executing the four Iraqi prisoners. 1st Sgt Hatley and another NCO receive life sentences and the third NCO received 35 year in prison. You have to ask the question whether or not this incident would have ever happened, if these soldiers had a detainee system they could not only trust but also have confidence in to protect their backs.

As I stated, the other reaction the generals had to the Abu Gharib fiasco is that they became very sensitive to any allegations of war crimes. We see this sensitivity in the 2005 Haditha Marine incident.

Here a couple of Iraqis with a "hearsay" story approach a *Time* correspondent who has been ordered by his editor to do a piece on civilian casualties. The reporter's simply inquiry to General Chiarelli's headquarters basically sets off multiple investigations that are leaked to a known reckless and irresponsible Jack Murtha. Mr Murtha, our favorite "loose cannon", uses his public office to spew his wrongheaded logic over the news channels for his own personal gain (see ["Distinguished Disservice"](#) by Bing West).

To date, of the eight Marines charged in this case, charges have been dropped for five of those Marines; one has been found not guilty; the Battalion Commander's case was dropped because of undue command influence but he is awaiting a Board of Inquiry; and the squad leader, SSgt Wuterich, is still pending court martial (four years later) because the prosecutor cannot find enough evidence to bring him to trial. To top all that

injustice and wasted effort, numerous other Marine officers in the chain of command associated with the Haditha incident have been relieved and censured.

The question this raises is, how on earth could General Chiarelli (then Commander of Multi-National Corps – Iraq) believe that his reporting system and chain of command were providing him with less information on the Haditha incident, compared to a *Time* reporter listening to two former Iraqi prisoners who were not even eyewitnesses? A true combat commander, a true leader would have told his public affairs officer to contact the reporter, verify which incident he was talking about and offer a brief based on the facts of the incident. The facts could be easily established with a few short discussions within the chain of command, if General Chiarelli talked to his commanders.

General Chiarelli's story to tell in the Haditha incident is that the enemy is using civilians as shields and not that Marines are murdering civilians. The story to tell is that Haditha is no longer ruled by a murderous and intimidating enemy who is conducting daily public beheadings. The story to tell is that when 3/1, the Marine Battalion's deployment ended, the Haditha population turned out to throw flowers at the Marines as a show of gratitude.

There is a long list of generals and admirals commanding the wars in Iraq and Afghanistan that all share in the strategic failures of both wars (Franks, Sanchez, Abazaid, Fallon, Casey, Chiarelli, Kensinger, Kearney, and McKiernan). In Iraq, it took the US strategic leadership four years (2003 to 2007) to implement the "Surge" and in Afghanistan it took eight years to propose (yet to be implemented) a decent detainee program. The unfortunate costs of bad strategic calls are paid for by the Marines and Soldiers fighting the battle. In other words, the generals are no longer watching the backs of our combat warriors.

LtCol Jeff Chessani's Board of Inquiry will begin tomorrow, breaking the four year mark since the Haditha incident. SSgt Frank Wuterich's case is still mired in military legal limbo and I am sure the Commandant is waiting on the Chessani case before he moves on SSgt Wuterich.

Folks, please do not forget about these Marines. I know the same insufferable feeling you are experiencing as we watch the generals eat their young. These two Marines and their families still need your help and support in this unfair and continuing endurance test.

Semper Fi,

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Bob Weimann, LtCol USMC Ret

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Read more on the Haditha case by Bob Weimann:

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

[The Sins of Generals Part Two: Undue Influence from the Start](#), October 30, 2008.

[The Sins of Generals, Part Three: An open letter to General Peter W. Chiarelli, Commander of the Multi-National Corps in Iraq \(November 2005-February 2006\)](#), February 8, 2009.

[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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