

National Objectives in the Hands of Junior Leaders: IDF Experiences in Combating Terror, in Countering Terrorism in the 21st Century, (James JF Forest ed.) Westport, CT: Praeger Security International, 2007 (in press).

Amos N. Guiora* and Martha Minow**

I. Introduction

What does the nation owe those who fight on our behalf? It would not seem too much for those fighting to expect sufficient preparation, equipment, and planning to avoid needless exposure to harm. This article seeks to encourage debate on an issue of enormous importance to the achievement of the nation's military objectives: are we giving adequate intelligence, articulation of mission, and legal awareness to prepare platoon level leadership to make complex decisions?

Debates over adequate preparation leave more questions unanswered than resolved. Protective gear to guard against enemy weaponry is one example. The Office of the Armed Forces Medical Examiner reported earlier this year (2006) that between March 2003 and June 2005, bullets or shrapnel hit parts of soldiers' bodies not covered by torso protective gear in 74 of the 93 fatal wounds experienced by Marines. Many experts disagree over whether the American fighter is adequately equipped or alternatively whether he is overburdened, as North Carolina State University Professor Don Thompson suggests in National Review Online. This example illustrates one important debate over how the nation prepares its soldiers.

* Professor Amos N. Guiora is Professor of Law and Director, Institute for Global Security, Law and Policy, Case Western Reserve University School of Law. He served for 19 years in the Israel Defense Forces, Judge Advocate General Corps. He had command responsibility for the development of an interactive video teaching soldiers an eleven point code of conduct. He would like to thank the Institute for Global Security, Law & Policy Research Fellows, Ms. Erin Page, J.D., for her editorial comments, Mr. Greg McNeal, J.D., and Mr. Matt Ezzo (CWRU School of Law, J.D. expected '07) for so graciously agreeing to draw on their military career in commenting on previous drafts of this article.

** Professor Martha Minow is the Jeremiah Smith Jr. Professor at Harvard Law School.

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When it comes to the complex decision making skills that allow the soldier effectively to execute his mission, there is even broader disagreement. Some military leaders will insist that the training and preparation of junior leaders is adequate, while others, including many junior leaders, will suggest that they don't feel adequately prepared. In this Commentary we seek to focus the debate on the three areas in which improvements can be made: the use and gathering of intelligence, clear articulation of the mission, and awareness of legal responsibilities.

Once deployed in the field, military personnel must be properly trained to maximize safety and effectiveness. Rightly, recent years have seen development of ever sophisticated strategic planning and rules of engagement. As the central concern now is counterterrorism, special focus must be given to the needs of the junior leader—typically, the platoon leader and his Noncommissioned officers who are charged with translating mission and strategy into tactics.

Based on lessons learned from experience in Israel, more can be done to prepare our junior leaders adequately for their missions. A focus on counterterrorism puts into stark relief the kinds of real-time and accessible intelligence, advanced training in law, and clear articulation of mission that junior leaders demand.

II. Junior Leaders: Why They Are Central and Who they Are

Political leaders make key foreign policy decisions and senior commanders develop military strategies, so it is not surprising that they become the primary focus for debate and evaluation. Yet in the context of modern warfare and armed conflicts short of war such as counterterrorism, the critical fights are not conducted on vast battlefields between standing armies or even air-delivered strategic bombings. Instead, critical fights often are led by junior leaders.

Modern armed conflict unfolds in the marketplace of Nablus, the streets of Grozny, and the back alleys of Mosul. Counterterrorism played out in these settings does not lend itself to the grand sweeping battlefields of the past. Key decisions are made not by generals strategically deploying battalions, fleets, and aircraft, but by junior leaders who are on the ground, organizing check-points, arrests and raids while motivating and guiding soldiers under their command. These junior leaders, whom Gen. Charles C. Krulak referred to as "The Strategic Corporal," make tactical decisions that have a strategic effects; properly training them is thus crucial.

The junior leader does not decide strategies of counterterrorism, or matters of high state. Nevertheless, ultimate implementation of any counterterrorism plan depends on him. Not a strategist, the junior leader is perhaps the most important tactician. How a particular checkpoint in Baghdad will be manned reflects his

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leadership. The conduct of a firefight in Nablus reflects his skill level. The initial treatment of a wanted terrorist just arrested mirrors his moral compass and communications to his soldiers.

Who is the junior leader? In the American context this is a soldier or Marine from the fire team level up to the Platoon Leader/Commander. He can be an NCO or a lieutenant. Typically, a junior leader will be responsible for as few as four and as many as twenty soldiers. With the exception of the platoon sergeant, he likely has less than ten years of military experience, yet he is faced with the most critically challenging decisions on the battlefield.

Does the United States provide the junior leader with the decision-making tools necessary to fulfill his missions? If not, we do him – and ourselves—an enormous disservice. If we answer yes, we must not rest on our laurels and for we can always do more. We must promise him that we “have his back.” That means we not only back up the tactics he adopts to pursue the ends we assign him. We also defend him by providing him the critical skills necessary to achieving his mission. Before the fight against terrorism warrants the banner of “Mission Accomplished,” the junior leader—the eyes, ears, hands, and heart of the initiatives—must be equipped with the capacities and resources to do his job.

These days, that requires more than sophisticated military training. Today’s junior leader needs sufficient understanding of the intelligence, mission

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articulation and legal parameters to determine sensible and effective tactics, to motivate and guide the troops.

Well before any particular moment of decision making, the junior leader must be ensured he has a clearly articulated mission that can be translated into tactics; cogently and comprehensibly defined moral parameters; political and military superiors who are accountable for their actions and responsible enough not to hide behind a junior leader when the going gets tough; operational grounding in international law; rules of engagement that he—and not a lawyer—can explain fully to their soldiers; sophisticated training in operations and leadership; and reliable intelligence habits.

Most of these are so obvious that they speak for themselves. Let's look therefore at three of less obvious ones in more detail: mission, intelligence, and legal preparation.

III. Mission

We owe the junior leader clear and realistic mission guidelines and an understanding of the strategic objective. The guidelines must enable completion of the mission, consistent with international law and protection of the troops. After the Administration's acknowledgment that no Weapons of Mass Destruction were found, articulating America's mission in Iraq became more complicated. A central purpose now is to promote the development of a stable democracy and to resist the risk that Iraq becomes (or continues to be) a ground for breeding and

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training terrorists. Yet troops on the ground, like the rest of us, have heard the charge that the American invasion made Iraq the likely home of terrorists and their recruits. For junior leaders to comprehend and believe in the mission, they need more cogent and accurate statements of the vision both from civilian and military leaders.

Without a believable and clear statement of strategic objectives, troops may be too demoralized for junior leaders to motivate. From the Israeli experiences, we have learned that soldiers have greater confidence in the junior commanders when those commanders are able to explain, both to themselves and their men, why they are in harm's way. Without a clearly articulated and consistent policy to implement, soldiers will feel as though they are merely fighting for survival rather than for a higher purpose. Of course fighting for survival is vital, but it does not contribute to confining or overcoming enemies.

During the course of Israel's occupation of southern Lebanon, a national public debate erupted over whether soldiers were dying for an unknown cause and an unclear mission. Ambiguity in mission undermines the effectiveness of command. Military operations are doomed to fail when the mission is not articulated on a strategic or tactical level. As a result, junior leaders end up sending their increasingly incredulous forces into battle against a local, largely unseen enemy who is defending his homeland against outside forces. The local enemy enjoys significant advantages when he knows the terrain and the local

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culture is his own. Protecting what is his motivates local inhabitants to justify the supreme sacrifice of their own lives.

Against this enemy, the junior leader, armed with an unclear understanding of the strategic objectives, increasingly loses the confidence of his troops. They may fear their superiors recklessly endangering them. He is the representative of the senior commanders, yet he cannot articulate a clear purpose coming down from the top; he is the voice of command, but cannot give a compelling justification for putting soldiers' lives and well-being at risk. Combat effectiveness, motivation and lack of initiative are all examples from Israeli military experience of what can happen when junior leaders cannot articulate the strategic objectives.

Even if the mission is clear and articulable, the junior leader risks losing the confidence of his platoon if asked to sustain illusions about actual practices, such as "Americans never torture," or "America does not engage in indefinite detention." We owe the junior leader a clear mission that comports in both means and ends with the nation's values and honor.

IV. Intelligence

Even with a clear mission, the junior leader cannot do the job without up-to-date intelligence—including access to language skills and information about local mores and customs enabling meaningful use the information. The junior leader must gain three kinds of intelligence: 1) what human sources tell their

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interlocutors; 2) what analysts learn from intercepted communications; and 3) what is observed by patrol. The first two are the direct responsibilities of senior commanders; they must ensure that the junior leader's daily briefing contains the most up-to-date material and interpretations. The third component is a joint responsibility of junior and senior leaders. The junior leader directs the patrol, while the senior command establishes the conditions under which the junior leader interprets the reports from patrol.

Consider the challenge of managing a check-point in an occupied land. This may be the most sensitive point between occupiers and occupied. It is the point of friction between an angry local population, forced to respond repeatedly to the same questions, and the soldiers, who fear that the approaching individual is a human missile, waiting to detonate. If intelligence information is current and comprehensive, it may alert those manning the check-point to heightened risk or kinds of persons deserving special scrutiny. If the intelligence information is not accurate and up to date, the results can be tragic.

Two years ago, at the Erez checkpoint in territory occupied by Israel, the soldier manning the post had no particular reason to suspect a woman in her 20s. The woman explained that the metal plates in her leg would make the scanner go off. She then detonated herself and killed four Israelis. Intelligence information should have been obtained to challenge the presupposition that only men could be suicide bombers. Based on known intelligence information, a

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junior leader manning a check-point would not have assumed a woman to be potential suicide bomber. Indeed, the intelligence directed those at the check-point to closely scrutinize at young men. The lack of operational intelligence about actual or potential recruitment of women as suicide bombers directly resulted in a lack of operational readiness and the deaths of four Israeli soldiers. Junior leaders are dependent on intelligence in determining their tactical decisions. Senior commanders must ensure that the most up-to-date information regarding terrorists' strategic and tactical decisions is made available in real-time to the junior leader.

Intelligence is not only the gathering of information, it is also the interpretation and evaluation of both what is known and what could be true. Intelligence activities require explicitly considering and preparing for what had previously been unconsidered unfathomable. It requires senior commanders to think outside of the box in order to prepare the junior leader to do so.

V. Judgment About Orders: The Duty to Disobey Manifestly Illegal Orders

Because increasingly it is the junior leader who defines or carries out specific tactics, he is critically situated to assess whether a particular order or plan, as turned into operations, will or will not comport with the law. In many ways, junior leaders are the last checkpoint between the order given and the results in the field. Ever since the Nuremberg trials, soldiers have been told that simply

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obeying orders is no defense against charges of violations of international law. Yet the first duty of any soldier is to learn to obey orders, even those that run against civilian sensibilities.

Junior leaders should expect that orders received from superiors are lawful, and yet remain mindful that they bear responsibility, personally, for assessing the lawfulness of commands. Perhaps more palpably than any other figure in the military chain of command, the junior leader experiences potential tensions among responsibilities to his superiors, to his own soldiers, and to those enemies, civilians, and fellow countrymen who count on the observance of international norms of war.

The junior leader cannot be expected to be a lawyer. Nor should the junior leader let concerns about the law justify delay in a moment of emergency. Nonetheless, with the incidents at My Lai and Abu Graib in mind, the junior leader must remember that how commands are carried out or miscarried can make the difference between adherence to and violations of binding law. This means that the junior leader must have sufficient training long before a moment of difficulty to know what to look for in assessing orders, to know when and how to seek to clarify ambiguous orders, and to know how to proceed if orders appear to be manifestly illegal.

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An episode well known to all Israelis is illustrative. Now known as the "black flag" incident at Kfar Kassem, at the onset of the 1956 Sinai Campaign, Israeli authorities imposed a curfew on Arab villages in Israel. The curfew was set to begin while villagers were in the fields, tilling the land. A border police unit was to enforce the curfew. During the preparatory briefing, a member of the force asked about the fate of those returning from the fields after the curfew was in effect. The commanding officer replied briefly: "God have mercy upon them." No one asked for further clarification. The unit interpreted his response as calling upon them to shoot anyone returning after the curfew. As a result, they killed 56 innocent men, women and children returning from the fields. In subsequent trials arising from the incident, the Israeli courts concluded that an order to shoot curfew violators was blatantly unlawful, and those who followed such an order were to be court-martialed.

Obviously, the junior leader needs thorough training to deal with this kind of situation. Rules and regulations can offer guidelines, but crucially, the junior leader needs experience working with detailed examples to identify when a vague command is illegal, how to question superiors without insubordination, and what to do in the case of an apparently illegal order.

Consider what a junior leader needs to know in advance when faced with ambiguity over precisely what kinds of interrogation techniques have been

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authorized by Secretary Donald Rumsfeld's decision in the aftermath of 9/11.¹

The Administration denies having authorized any techniques that violate the Geneva Convention or the Convention Against Torture, as ratified by the United States. Yet human rights advocates charge that the Administration has approved the illegal use of psychological techniques designed to break a person's personality.² How is a junior leader to know what is illegal and what is illegal as he organizes detention or interrogation?

The junior leader is to follow orders, unless he believes that they are a "black flag" as articulated in the Kfar Kassem trial. In order to make that decision, he must rely on his moral compass, best judgment and training. Should the junior leader conclude that the order is blatantly illegal and therefore must not be followed, he must be able to explain to senior command his rationale. In the case of interrogations, a junior leader who concludes that the methods he is asked to either implement or facilitate violate international law or military regulations must disobey them.

The junior leader is under the command of neither civilian intelligence officials nor independent contractors. It is the obligation of senior command to organize operations so these different actors coordinate. Similarly, it is the obligation of the junior leader to consult with senior command if uncertainty exists. In either case,

¹ See Jane Mayer, *The Experiment*, *The New York Times* (7-11-05), http://www.newyorker.com/fact/content/articles/050711fa_fact4

² See *id.* (quoting Leonard Rubenstein).

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the junior leader is obligated to disobey and prevent others from obeying clearly unlawful orders.

At this moment, U.S. troops face acute difficulties in even knowing what legal framework applies. The President and his lawyers have announced that the Geneva Conventions do not govern the war on terror; if that is to be the case, then what rules do apply? Uncertainty about the legal status of enemy combatants, putative terrorists, or civilians who might be associating with terrorists at worst may invite departures from any articulated rules. At best, such uncertainty exposes the junior leader to ex post determinations, through court martials or war crimes tribunals, without fair advance notice or clarity about the governing law. It should be the duty of those who hold higher authority to articulate and legitimate the rules governing the contemporary initiatives, whether they are deemed war, armed conflict, or criminal law enforcement.

VI .Practical Application: The Junior Commander Commanding a Check Point

Although there remains plenty of room for improvement in the Israel Defense Force, there may be some lessons to be learned from some of its approaches to training and supporting the junior commanders.

In response to recurring occurrences of misconduct by soldiers at West Bank check-points, the Israel Defense Forces responded in two ways. The IDF

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created the position of check-point commander and developed an intensive two day course to prepare the junior commander for this critical posting.

The IDF School of Military, in conjunction with junior and senior commanders, developed an interactive video designed to teach soldiers an eleven point code of conduct based on international law, Israeli law, and the IDF's ethical code.³

The video incorporates snippets from Hollywood movies and high-tech graphics intended to address the critical issues of contemporary combat. A variety of scenes from movies including "The Siege," "Apocalypse Now," "Platoon," "The Year of Living Dangerously," "Rules of Engagement," and "The English Patient," are used to teach IDF junior commanders the eleven codes that senior commanders and officers from the IDF School of Military Law thought were operationally relevant.

The interactive video taught junior commanders a number of important principles, including the absolute requirement to treat the Palestinian population in a dignified fashion, to distinguish between innocent civilians and terrorists, to respect religious symbols. The video also taught junior commanders to refuse to obey unlawful orders, to not interrogate captured combatants unless specifically

³ One of the co-author's of this article, Prof Amos N Guiora, had command responsibility for the development of the video; see Teaching Morality in Armed Conflict: The Israel Defense Forces Model," *Jewish Political Studies Review*, 18 JEWISH POL. STUD. REV., NO. 1-2 at 3 (Spring 2006)

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authorized to do so, and to report violations of military law committed by fellow soldiers to their commanders.

Furthermore, international law principles such as the obligation to minimize collateral damage, proportionality, and seek alternatives were emphasized.

Commanders choose the check point commanders for this posting based on the following criteria: 1) the soldier was identified as possessing a strong moral compass and 2) the soldier was perceived to be tolerant and perceptive.

The two day course encompassed a number of different subject areas including operational aspects of check-points, instruction in basic Arab thus enabling the junior commander to request documents and to communicate with the Palestinian population seeking to pass through the check-points. In addition, the future junior commanders received an hour long lecture from officers in the IDF School of Military Law regarding morality in armed conflict and international law.

Though the available instruction time was limited, senior commanders opined that a number of unfortunate incidents at check-points justified the resources allocated for this effort.

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Strong command influence and structure is critical to the conduct of the junior commanders and the soldiers under their command. Senior commanders must be able to "talk the talk" and "walk the walk" with respect to issues that had, in the past, not been considered the core of operational considerations.

In the context of "armed conflict short of war,"⁴ operational considerations have expanded to include subject areas not traditionally associated with military operations and training. However, the reality of modern combat is that states will rarely be engaged in warfare with other states. Rather, states will be engaged in combat with non-state entities, comprised of individuals dressed like innocent civilians.

Accordingly, the tool box of the contemporary junior commander must include skills not critical to the operational success of his predecessor forty years ago. These skills must include an understanding of cultural mores of the local peoples, an ability to communicate on a basic level with the local population, an understanding of morality in armed conflict and of international law, and an appreciation for the power of the media. Furthermore, the junior commander is required to integrate these skills in stressful conditions in a foreign land while facing a hostile, local population.

⁴ The Israel Defense Forces' term-of-art for Palestinian terrorism beginning in September, 2005.

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The vignettes below highlight the importance of training, identifying the most appropriate individuals for particular positions and creating command structures appropriate for conflict in the post 9/11 world. Furthermore, it is incumbent that junior commanders be provided logistical support that extends beyond the traditional concept of supplies and material. As made clear in the two vignettes below, not only must the junior commander have open lines of communication with senior commanders but there is a clear need for developing both linguistic skills and an understanding of the local population's cultural mores. Otherwise, the junior commander's intelligence gathering ability will be severely hampered. In "armed conflict short of war" where terrorists are embedded with innocent civilians, insufficient intelligence combined with deficiencies in the areas discussed above will not only affect the commander's operational capability but potentially will lead to unnecessary human tragedy.

The following two vignettes demonstrate the absolute requirement to train soldiers as discussed above.

When a Palestinian vehicle arrived at an IDF check-point, the soldier manning the position noticed a bottle containing liquid in the car. The soldier's order that day stated that, for security reasons, Palestinians may not cross through check-points while carrying bottles. In response to the soldier's ordering her to drink from the bottle (presumably to ensure that the contents were non-flammable fluids) the elderly Palestinian in the vehicle attempted to explain to the young

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soldier that the bottle contained liquid soap hazardous to human consumption. The tragic ending to this confrontation was that the Palestinian drank the liquid and suffered severe injury. While the soldier was court-martialed, the training and subsequent application of the tools recommended above may have prevented this human tragedy.

On a patrol in Iraq, an American unit suffered casualties as a result of an IED (improvised explosive device). In the immediate aftermath, one of the soldiers spotted a shepherd holding a cell-phone. Suspecting that the shepherd was involved in the attack, the soldier aimed his rifle at the individual's head. The commander, a Lieutenant, ordered the soldier to lower his rifle, which he promptly did. When asked why the soldier immediately responded to the order, the commander explained that the unit's training had emphasized that not all Iraqi's are the enemy and that there was an absolute intolerance on his part of referring to the local population in a derogatory fashion.

The two vignettes juxtaposed side-by-side are instructive for a number of different reasons. Without doubt, the conduct of the IDF soldier is reprehensible; nevertheless (and without excusing it) context is important. The stresses and strains of military service at check-points combined with an inability to communicate with the local population are a reality of occupation. The dual response of the IDF senior command, described above, represents an effort to address the complexity "head on."

While the two day training and interactive video do not guarantee that violations will not occur in the future, it is noteworthy that the International Red Cross, which participates in the check-point commander course, publicly commented that fewer complaints were filed after the course's implementation.

Similarly, a substantial number of IDF units requested instruction regarding the interactive video. The junior commanders responded extremely positively. However, without strong command influence, the video will not be an effective instructional tool and will not affect the operational conduct of its intended audience. Command influence and structure is the most significant determinant of soldier's behavior. However, as exemplified above, junior commanders must be significantly assisted through a variety of creative measures.

VII. Conclusion

It is no exaggeration that the success of operational counter-terrorism depends on junior leaders. In this essay, we address three important issues facing the junior commander. Our success depends on his ability. We must equip the junior leader to do the vital job we assign him. This means acknowledging both the limits on what his broad shoulders can carry and our duty to assist. He "has our back," do we have his?