

“Gifts, An Ethical Issue?”

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Soldiers serving their country in combat often received packages addressed to “Any Servicemember” that contained video games, DVDs, and other like items. These Soldiers should never have to consider whether it is ethical to keep these gifts. The same is true for Soldiers injured in combat that receive wheelchairs or other medically related items to assist them and their family members in their recovery. The public interest in supporting the war effort has prompted many individuals and charitable organizations to offer gifts to the Department of Defense, military personnel and their families, and the victims of war. Ethics is the code of conduct or behavior that governs an individual or group. Determining right from wrong in fulfilling your moral duties and obligations can lead to ethical dilemmas. Soldiers should not have to confront this unnecessary and undue stress. The process of defining the problem, knowing the relevant rules, developing and evaluating courses of action, and choosing the course of action that best represents Army values is known as ethical reasoning. These steps are part of a decision making process that will greatly aid leaders and Soldiers when confronted with the receipt of gifts.

A stern warning from Walter Reed Army Medical Center to charitable groups that gifts over \$20 must go through proper channels for acceptance has placed greater emphasis on this issue throughout the Army. The focus on this issue now encompasses the gifts received by troops deployed in support of Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) in Afghanistan. A gift is anything of monetary value whether it is a tangible item or a service. This includes gratuities, favors, discounts, entertainment, training, transportation, lodging, meals, or anything else of monetary value. Charities that provide quarters and transportation for family members visiting wounded Soldiers are alarmed that this unnecessary

process may slow their efforts to assist those in need. They are especially concerned that Soldiers may get into trouble if such services or items are accepted during an emergency or during nonduty hours. This regulation seems ludicrous when it comes to low-ranking Soldiers and their families. Privates, Specialists, and Sergeants are not taking bribes as they have nothing to give in return. Congress should be tasked to change the law in relation to servicemembers and their families who have been wounded in combat or are in a deployed status. Soldier's family members have offered to donate items such as air conditioners, television sets, DVD players, and video games for use by their sons and daughters in OIF and OEF. The gifts are solely meant for Soldier's entertainment during their off duty time. Delays by overly cautious stateside POCs to accept and forward these items have prompted family members to contact their Congressman and the President to inquire about the status of their offers. The problem is intensified by the fact that there are numerous charitable websites run by organizations that encourage Soldiers to ask for specific items they need. Much attention is now concentrated in this area and Soldiers are being warned that these actions constitute the solicitation of gifts and are not allowed. Clarification of the rules regarding gifts is now a major focus of information briefs and training for all federal employees.

The primary references for clarification on gifts and donations are Army Regulation 1-100 (Gifts and Donations) and the Joint Ethics Regulation (JER). These policies apply to all federal employees and service members and their families. Federal employees and servicemembers may never solicit nor accept a gift that is offered by a source prohibited by regulation. Department of Defense (DoD) personnel, including their families, may accept unsolicited gifts from sources as long as these gifts are not offered because of their official position or rank and they are not from a prohibited source. DoD personnel may accept gifts that

are made available to all uniformed military personnel as a member of a group. Examples would include all members of a particular unit, all personnel who responded to a particular disaster, and all personnel injured in a particular disaster or event. Gifts perceived as being offered because of a servicemember's official position cannot be accepted. Unsolicited gifts of not more than \$20 from a given source on a given occasion are acceptable. The total value of all gifts accepted from that source during a calendar year may not exceed \$50. Soldiers cannot accept any gifts of cash, stocks, bonds, or certificates of deposit, no matter how small. Soldiers may accept a gift when it's clear that it was motivated by a family relationship or personal friendship and not their official position. Soldiers can also accept reduced fees offered by professional organizations to all government employees or all members of the Armed Forces. The Anheiser-Busch theme parks and Disney World promotions are primary examples. The restrictions on gifts was initiated to prevent the bribery of federal employees and is intended to prevent soldiers from entering into conflicts of interest or other ethical violations.

The easiest solution is to exempt all wounded and deployed servicemembers from the rules regarding the receipt of gifts. I regard this as the most practical and easiest solution even though it could lead to many "worst case scenarios." Even though these personnel are putting their lives on the line for their country, it is simply not the ethically right thing to do. Gifts for deployed personnel should be discouraged since they overload the transportation and distribution systems and can offer a threat of bio-terrorism to deployed personnel. The DoD has urged the public not to send unsolicited mail, care packages, or donations to service members unless they are family members or personal friends. Turning a "blind eye" to the gifts received by Soldiers risking their lives has been the call from many individuals and charitable organizations. This will save time on the charities part and prevent Soldiers from being put in a compromising

situation but it is not the ethical thing to do. There are voices around Washington questioning the logic of the law and suggesting that the application of the law should be changed or lessened for wounded or deployed Soldiers. This is a logical solution that will meet the ethical question but will require time and numerous debates before a final solution can pass into law. The current process of screening all donations and requests for donations through a central approving and legal authority at Walter Reed is working. This protects the charity, the individual, and the federal organization involved but slows the receipt of goods or services. This solution is the most effective within the limits of the current regulations. A complete and legally agreeable solution to this issue is possible but will take more time and debate.

Solutions are already underway as the DoD has suspended “Operation Dear Abby” and the “Any Servicemember” mail programs because of their concerns for Soldiers and their families. DoD personnel are highly encouraged to consult their legal counsel or ethics officials prior to accepting or keeping gifts received in the mail. Gifts that exceed the \$20 cap must be returned, shared within the organization, or destroyed. The Department of Defense is not authorized to accept money in order to pass it through to the victims of war and their families. Monetary gifts to DoD personnel, including deployed or wounded service members and their families, should be made directly to private relief organizations that provide assistance to affected personnel. There are several relief organizations that provide support to service members and their families. The Armed Forces Relief Trust, Army Emergency Relief, the American Red Cross, and the USO are just a few. These rules do not apply to families of deceased DoD personnel as long as they are not Federal employees themselves.

A proper understanding and knowledge of the policies and procedures for dealing with gifts and donations is the first step to eliminate any ethical dilemmas. When dealing with any

ethical issue, the ethical reasoning process is a powerful tool for leaders in formulating decisions and plans of action. The articles, letters, and opinions I have read on this subject make me realize that a 100% viable solution is probable but will not be reached anytime soon. In the meantime, the current screening procedures through the legal system and ethics offices seem to satisfy almost all concerned. Despite the delimma, the numerous charitable organizations, the massive volume of donations, and the willingness of companies and organizations to provide items of comfort to wounded and deployed Soldiers has rejuvenated my spirit. This outpouring intensifies my tremendous pride in our country and those who serve.