

OBC Black Hearts PDP Outline:

Admin Note: I've got the lesson on "esprit" first on this outline for two reasons:

- It's sourced by material in the first few chapters of the book, and
- We're likely going to miss it since the students probably won't have started reading by lesson 1.

Make it up in stride if able and we can reshuffle lessons if we have future iterations with this book.

Lesson 1: Esprit.

Read: ADRP, Chapter 7.

Read: Black Hearts, Chapter 2 (PG 29 ("Rounding out the rest of Kunk's leadership team...") thru PG 31)

Possible Discussion Topics:

- What does the description of C Company tell us about esprit in tactical units?
- Is "the People's Army" an expression of esprit?

Lesson 2: Character, Competence, and Commitment – The Army Ethic.

Read: ADRP, Chapter 2.

Watch: Restrepo.

Read: Black Hearts, Chapter 6 (particularly the section from pg 83-85 about IEDs)

Possible Discussion Topics:

- How are the concepts of character, competence, and commitment reflected in Restrepo?
- Consider the commitment required to get into a HMMWV every day knowing people are out there laying IEDs, the competence required to respond effectively to the threat, and the character required not to act out in "rage" (pg 85).

Lesson 3: Military Expertise. "Military expertise is the ... ethical application of landpower..."

Read: ADRP 1, Chapter 5.

Read: Black Hearts, Chapter 9.

Possible Discussion Topics:

- PG 120: Lauzier: ""You don't come in our wire without my okay," said Lauzier. "Because once they are inside your wire, you have already lost. If you come in our wire without my say-so, you got thumped. We would pull them out and rough them up. Check them against the vehicle. Give them a kidney shot, tell them, "I'm not fucking around. Do not come in my perimeter. I own this shit. I'm the sheriff here." [...] "Occasionally, one or the other of the lieutenants would pull Lauzier aside and tell him that he was being too aggressive, that he should tone down the physicality. He would, respectfully, tell the young lieutenant that he didn't know what he was talking about."
- PG 121-124: Yribe warning shots: "On November 11, Yribe and members of 3d squad..."

- Any thoughts on the either warning shot decision?
- Any thoughts on the warning shots in the context of Lauzier's quote above?
- We're not tactical experts – we're lawyers. What do you think of the investigation as it's described in the book?

Lesson 4: Trust. “The Bedrock of Our Profession”

Read: ADRP, Chapter 3.

Read: Black Hearts, Chapter 2: “The Kunk Gun”

Read: Black Hearts, Chapter 15.

Read: Black Hearts, pg 325 – 330: Description of Kunk's reaction in the aftermath of the Alamo. [May have to hold this for future classes who have read the book before arriving. Instructor's call.]

Possible Discussion Topics:

- PG 32: “They knew Kunk had a reputation for being demanding and having a volcanic temper. Those characteristics were nothing special in the Army. “Demanding” and “short-fused” could, in fact, describe more commanders than not.”
 - Welcome to the Army. Any thoughts on what this cultural observation means for “trust” within the ranks?
- As attorney's what might be your role in dealing with a commander as the author describes LTC Kunk? When do you start raising questions about whether your [bad] relationship with your commander is normal? Who do you turn to for help if you need it? [Answers to these questions come down to trust – if you don't trust your commander, and / or your commander doesn't trust you, there's a problem. You have to have a trusted advisor somewhere within the OSJA. If you can't find someone else, talk to the DSJA.]
- SGT Diem quote starting in the last paragraph of page 199 and carrying over to 200: “And when the formal chain of command breaks down, the informal command steps up, and then you are entering dangerous territory, because nobody has any idea where the informal leaders will take the group.” (200)
 - What's our role? Formal leaders? Informal leaders?
 - Do we advise on the topic of “leadership?”

Lesson 5: Honorable Service.

Read: ADRP 1, Chapter 4.

- Note that ADRP 1 specifically references PFC Justin Watt on page 4-2.

Scan: ADRP 1, Appendix B. Focus on the Soldier's Creed and the Army Values.

Read: Black Hearts, PG 313-314: Watt's thought process on whether to report.

Read: Black Hearts, Chapter 25

Read: Black Hearts, PG 343 – 344: Barnes: “I would never have turned them in. They're your brothers, you know? There has to be some kind of loyalty there that you don't break no matter what. Let God

judge them. If they're not sorry, they'll go to hell. And if they are, if they really are, they're going to have to live with that for the rest of their life."

Read: Black Hearts, PG 346-347: CPT Dougherty's letter to Watt's father, the report in USA Today, and the resulting reprimand.

Possible Discussion Topics:

- Watt is literally recognized in the ADRP. The best quote is attributed to his father: "If it is as heinous as you say, you can't let your loyalty to your men get in the way of doing what is right."
- Pg 327 – last paragraph before the break. What is the leader's responsibility in this situation? The battalion commander is pretty far removed from the team and squad sized elements at the JSB. Does the battalion commander bear responsibility, as SGT Diem suggests? Why or why not?
- How do we reconcile the competing viewpoints:
 - Watt and Diem who report the incident
 - Barnes' views
 - CPT Dougherty's letter to Watt's father (and subsequent reprimand)

Lesson 6: The Army Ethic – Redux.

Read: The Outpost, Book 3 (pgs 429-616). **Almost 200 pages – but it reads fast.** I don't want the students bogged down in the text, but to develop an appreciation for the esprit, trust, and honorable service reflected by soldiers' actions at COP Keating. **Two Medals of Honor out of this fight.**

Read: ADRP 1, pg 2-6

Discussion Topics:

- Restrepo, The Outpost, and Black Hearts all convey different messages. What lessons can we take from them about the Army Ethic?
 - Do you think the Army, as a whole, is guided by this ethic?
 - Is it necessary?
 - Do the concepts that underpin the Army Ethic actually influence anyone's conduct?
- Why do some units (Restrepo; The Outpost) rise to the occasion while others seem to fold under pressure (Black Hearts)?
- What does any of this mean for our role as attorneys, how we dispense legal advice, and the types of issues we advise on.
 - Is there such a thing as "lawful," or "permissible," but nonetheless "immoral," or "unethical?"
 - Do we advise on morals and ethics? If so, with what authority?

Lesson 7: Stewardship. Depending on what you want to talk about with the trials, this could be only a half lesson. Can merge with #6 to leave both 7 and 8 as open lessons if the instructor chooses – but you need a plan for 7 and 8. Conversely, if you go "all-in" discussing the trials, JA role in the BCT, life as a trial counsel, that all fits under this topic.

Read: ADRP 1, Chapter 6.

Discussion Topics:

- Discuss soldiers' participation in Restrepo, The Outpost, and Black Hearts as acts of stewardship (ie, passing important knowledge / experiences to future generations).
- The Trials.

Lesson 8: Open.