

# Warrior King: The Triumph and Betrayal of an American Commander in Iraq<sup>1</sup>

Reviewed by Major Jeffrey S. Dietz\*

[Dan Rather] began to ask a serious question, opening with the words, “Colonel Sassaman, you know the president of the United States has declared all ground warfare complete as of May 1—”

Like the smart aleck that I can sometimes be, I interrupted. “Did we win?”<sup>2</sup>

## I. Introduction

Retired Lieutenant Colonel Nathan Sassaman believes in winning.<sup>3</sup> He won as West Point’s quarterback,<sup>4</sup> and he preached the virtue of rising after a fall as an Army officer.<sup>5</sup> In *Warrior King*, Sassaman attempts to win back his public image after involvement in a notorious incident of detainee abuse early in the Iraq War.

In early 2004, while commanding 1st Battalion, 8th Infantry Regiment (1-8 Inf.) in Iraq, Sassaman learned that his subordinates had thrown two detainees into the Tigris River and that one of the men allegedly drowned.<sup>6</sup> Sassaman coached his subordinates, “Don’t say anything about the water.”<sup>7</sup> When word of the incident became public, Sassaman was roundly criticized for his deceitful and discreditable response.

Sassaman has subsequently argued that he made the right decision and that an unfair Army system punished him for it, but he fails to argue convincingly that withholding information was justifiable.<sup>8</sup> He sets out to counter the damning 2005 article “The Fall of the Warrior King,”<sup>9</sup> which harshly judged him for his response to the detainee incident, but *Warrior King* is most compelling when he veers from his thesis to critique senior military leaders in Iraq. This review analyzes Sassaman’s thesis that his decision to withhold information was correct but that the

Army system betrayed him. This review also suggests how judge advocates can use the book to become better advisors to commanders. Ultimately, I recommend *Warrior King* to readers interested in the ethical complexities of the tactical counterinsurgency battlefield.

## II. Sassaman’s Decision to Withhold

Sassaman argues that he was justified in withholding information about the detainee incident from his brigade commander because Sassaman was better qualified to judge his Soldiers.<sup>10</sup> Sassaman suggests his brigade commander, Colonel Fred Rudesheim,<sup>11</sup> was incompetent in combat,<sup>12</sup> concerned only about his own career advancement,<sup>13</sup> and lacked any understanding of the plight of the common Soldier.<sup>14</sup> In contrast, Sassaman claims he succeeded as a combat commander,<sup>15</sup> put the welfare of his Soldiers before his own,<sup>16</sup> and heroically saved a fallen Soldier.<sup>17</sup> Sassaman had success in Balad and Samara, usually by disobeying Rudesheim’s orders,<sup>18</sup> while his peers failed.<sup>19</sup> Sassaman employed aggressive and violent tactics to bring his areas under control,<sup>20</sup> while other commanders fell short by mindlessly adhering to Rudesheim’s passive appeasement model.<sup>21</sup>

Sassaman cleverly asserts that no one has the right to judge the combat decisions of Soldiers unless he, too, has

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<sup>1</sup> NATHAN SASSAMAN WITH JOE LAYDEN, *WARRIOR KING: THE TRIUMPH AND BETRAYAL OF AN AMERICAN COMMANDER IN IRAQ* (2008).

<sup>2</sup> *Id.* at 59.

<sup>3</sup> *Id.* at 168.

<sup>4</sup> *Id.* at 33.

<sup>5</sup> *Id.* at 12.

<sup>6</sup> *Id.* at 240–41.

<sup>7</sup> *Id.* at 245.

<sup>8</sup> *Id.* at 9 (“The ultimate irony in this entire action was that the battalion commander of arguably the finest fighting battalion in the division was about to take one for Big Army because he had decided to do what was right in view of the circumstances, as opposed to blindly making his men walk the gangplank.”).

<sup>9</sup> Dexter Filkins, *The Fall of the Warrior King*, N.Y. TIMES (Magazine), Oct. 23, 2005, available at <http://www.nytimes.com/2005/10/23/magazine/23sassaman.html>.

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<sup>10</sup> SASSAMAN, *supra* note 1, at 267–68; *id.* at 245–46.

<sup>11</sup> Rudesheim currently holds the rank of brigadier general and is serving as the Deputy Commanding General—Support for the 1st Cavalry Division, currently stationed in Baghdad, Iraq, <http://www.hood.army.mil/1stcavdiv/about/leadership/dcgs.htm>.

<sup>12</sup> SASSAMAN, *supra* note 1, at 146.

<sup>13</sup> *Id.* at 157.

<sup>14</sup> *Id.* at 146.

<sup>15</sup> *Id.* at 224, 247.

<sup>16</sup> *Id.* at 159.

<sup>17</sup> *Id.* at 138–39.

<sup>18</sup> *Id.* at 161.

<sup>19</sup> *Id.* at 247.

<sup>20</sup> *Id.* at 99.

<sup>21</sup> *Id.* at 199.

had “American blood on [his] hands.”<sup>22</sup> He uses this argument to justify withholding information from Rudesheim and to disarm his own critics. He was a better decision-maker than Rudesheim and Rudesheim would have judged the Soldiers unfairly, he argues in defense of his actions.<sup>23</sup>

However, Sassaman fails to support the claim that he was a better decision-maker in combat. The successes he attributes to his superior leadership were based on aggressive and violent tactics that put fear into the citizen population—tactics that run contrary to the Army’s counterinsurgency doctrine.<sup>24</sup> He further criticizes tactics of “appeasement”—tactics similar to the ones famously espoused and practiced by General David Petraeus.<sup>25</sup> Embodied in Army Field Manual 3-24, *Counterinsurgency*,<sup>26</sup> Petraeus’s counterinsurgency principles<sup>27</sup> helped the U.S. military make important gains in Iraq, as evident from the historic bilateral security agreement signed between the United States and Iraq.<sup>28</sup> One core principle of counterinsurgency is that “[s]ometimes the more force used, the less effective it is.”<sup>29</sup> Throughout the book, Sassaman overlooks the lasting impact of Petraeus’s counterinsurgency strategy and fails to recognize that his own tactics likely fed the insurgency.

Sassaman flaunts his disobedience of Rudesheim’s orders yet expected obedience from his own subordinates.<sup>30</sup> His divergent position on discipline likely influenced the abuse of detainees. Sassaman takes every opportunity to reaffirm his commitment, and the commitment of his Soldiers, to the proper treatment of detainees,<sup>31</sup> but he fails to mention that his Soldiers were also implicated in two other allegations of detainee killings.<sup>32</sup> The brigade prosecutor responsible for compiling the evidence against

Sassaman and his Soldiers has commented that Sassaman’s battalion “was a world unto itself, one where unlawful, even brutal, acts were, at least, condoned and, at worst, explicitly ordered.”<sup>33</sup> The real product of his aggressive leadership was a more emboldened insurgency and a more undisciplined unit.

Sassaman further fails to support the claim that Rudesheim would have judged his Soldiers unfairly. Sassaman also neglects to mention that the division commander, Major General Ray Odierno, would likely have decided whether the Soldiers would have been court-martialed. He flirts with the argument that the military justice system is unjust,<sup>34</sup> suggesting that the unjust system combined with Rudesheim’s bias justified his withholding of the detainee abuse report to prevent an injustice. However, Sassaman’s judgment of Rudesheim is conclusory and unsupported, and he further ignores the constitutional guarantees of due process.<sup>35</sup>

Despite his efforts, Sassaman’s arguments fail to justify or satisfactorily explain his actions, and instead of the leader who heroically “sticks up for his men, regardless of the consequences,”<sup>36</sup> Sassaman comes off as a know-it-all, elitist, spurned, former Soldier who covered up subordinate misconduct because he preferred “to be one of the boys.”<sup>37</sup>

### III. Betrayal

Sassaman next attempts to demonstrate that the Army system betrayed him. He blames the Army for tolerating failure<sup>38</sup> while shunning leaders who take risks.<sup>39</sup> Under the circumstances, he took a calculated risk for the benefit of his Soldiers, and he suggests that punishing him for one wrong decision discourages others from innovation.<sup>40</sup>

His decision to conceal evidence, he declares, was an ethical decision, not a tactical one. First, he expertly distinguishes his career from others in the Army,<sup>41</sup> but fails to prove a betrayal. He then declares that he valued the welfare of his Soldiers over honesty. His statement is ironic,

<sup>22</sup> *Id.* at 4, 187.

<sup>23</sup> *Id.* at 157.

<sup>24</sup> *Id.* at 99.

<sup>25</sup> *Id.* at 162.

<sup>26</sup> U.S. DEP’T OF ARMY, FIELD MANUAL 3-24, COUNTERINSURGENCY 1-25 to 1-27 (15 Dec. 2006) [hereinafter FM 3-24] (describing the use of the appropriate level of force and the counterinsurgency paradoxes).

<sup>27</sup> See Editorial, *The Petraeus Effect*, WALL ST. J., Apr. 8, 2008, at A20.

<sup>28</sup> Agreement Between the United States of America and the Republic of Iraq on the Withdrawal of United States Forces from Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq, U.S.-Iraq, Nov. 17, 2008.

<sup>29</sup> FM 3-24, *supra* note 26, at 1-27; see also JOHN A. NAGL, LEARNING TO EAT SOUP WITH A KNIFE 30 (2002) (discussing the doctrine of “minimum force” to avoid diminishing the support of the people for the counterinsurgency force).

<sup>30</sup> SASSAMAN, *supra* note 1, at 127–28.

<sup>31</sup> *Id.* at 36, 146, 128.

<sup>32</sup> VIVIAN H. GEMBARA WITH DEBORAH A. GEMBARA, DROWNING IN THE DESERT 300 (2008).

<sup>33</sup> *Id.* at 283–84.

<sup>34</sup> SASSAMAN, *supra* note 1, at 8, 291.

<sup>35</sup> See *In re Winship*, 397 U.S. 358, 364 (1970); Captain Shane Reeves, *The Burden of Proof in Nonjudicial Punishment: Why Beyond a Reasonable Doubt Makes Sense*, ARMY LAW., Nov. 2005, at 28 (2005) (arguing that beyond a reasonable doubt is the proper standard in nonjudicial punishment).

<sup>36</sup> SASSAMAN, *supra* note 1, at 248.

<sup>37</sup> *Id.* at 267.

<sup>38</sup> *Id.* at 201.

<sup>39</sup> *Id.* at 90.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.* at 205 (lamenting the promotion of his less successful peer).

given that he rhetorically asks the Bush Administration, “Why not just be honest?”<sup>42</sup> To win over the reader, Sassaman must prove either a betrayal or that he was justified in choosing Soldiers over honesty. He does neither.

Sassaman misses the opportunity to convince readers that his best friend’s death contributed to his poor decision. The day before the operation that led to the Tigris incident, Sassaman’s best friend in Iraq, Captain Eric Paliwoda, died during a mortar attack.<sup>43</sup> Following the attack, Sassaman helped treat Paliwoda and get him to a medical helicopter, but Paliwoda later succumbed to his wounds.<sup>44</sup> Sassaman counseled his Soldiers to withhold information about the Tigris detainees shortly after returning from Paliwoda’s memorial service.<sup>45</sup>

Sassaman briefly explores how Paliwoda’s death affected him and his decision-making, noting that his “spirit was broken.”<sup>46</sup> He admits he even briefly considered executing a detainee following his friend’s death.<sup>47</sup> Compared to Paliwoda’s death, he states honestly, he did not consider the Tigris River incident that significant.<sup>48</sup>

If Sassaman had been as candid about how his friend’s death affected his decision-making as he was critical of Rudesheim’s ineffectiveness, he may have won over more readers. Winning public acceptance would also have required acknowledging that his decision was wrong, and Sassaman refuses to concede this point. He comes closest when he admits he contributed to his Soldiers’ mistake, but he pulls up short to lay blame for his decision on Rudesheim.<sup>49</sup>

One critic has suggested that the Army’s treatment of Sassaman was a “proverbial slap on the wrist” and part of a broader failure to respond to commanders who fail to punish.<sup>50</sup> One of Sassaman’s fellow battalion commanders, Lieutenant Colonel David Poirier, also bristled at Sassaman’s light punishment, suggesting that Odierno effectively granted immunity to Sassaman.<sup>51</sup> Additionally, the brigade’s prosecutor is still disappointed in the chain-of-

command’s handling of the 1-8 Inf. detainee abuse cases.<sup>52</sup> In the end, Sassaman fails to establish that he was betrayed by the Army. On the contrary, Sassaman’s punishment was arguably lighter than it should have been.

#### IV. Relevance

Sassaman’s frank discussion of the difficult ethical dilemmas he faced, including the requirement to provide protection and treatment to the very people he was trying to kill, offers a number of useful lessons. For example, Sassaman describes the way he ramped up violence following an attack<sup>53</sup> and notes that the Soldiers of 1-8 Inf. were most violent following the death of a comrade.<sup>54</sup> This acceptance of violence combined with an atmosphere of disobedience, which stemmed from the contempt and disrespect Sassaman showed for Rudesheim, translated into a breakdown of discipline in 1-8 Inf. that culminated in the incident at the Tigris River bridge and the execution of detainees. *Warrior King* provides insights, particularly relevant to judge advocates, into how a breakdown in discipline and the inability to adhere to the law of war leads to disintegration into savagery and brutality.<sup>55</sup>

Also instructive—and of particular interest to judge advocates—is Sassaman’s demonstrated misunderstanding of the rules of engagement. He was a bright and talented officer, yet he incorrectly believed that the rules “allowed for the execution of Iraqi insurgents.”<sup>56</sup> He admits that the rules were difficult to understand,<sup>57</sup> and he describes how some Soldiers had trouble overcoming their instinct of restraint even when the rules clearly allowed them to kill.<sup>58</sup> He describes detaining nearly twenty-four sheiks for nearly three weeks, not because evidence or intelligence suggested they were involved in an attack, but because Sassaman wanted to send a message that he would not tolerate attacks on his Soldiers.<sup>59</sup> By reading *Warrior King*, judge advocates can learn how tactical level commanders see the battlefield, interpret the rules of engagement, and perceive their authority under those rules.

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<sup>42</sup> *Id.* at 51.

<sup>43</sup> *Id.* at 228–29.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at 238, 245.

<sup>46</sup> *Id.* at 235.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.* at 245. However, Sassaman further acknowledges that he never has considered the incident as significant. *Id.*

<sup>49</sup> *See id.* at 247.

<sup>50</sup> Amy J. Sepinwall, *Failures to Punish: Command Responsibility in Domestic and International Law*, 30 MICH. J. INT’L L. 251, 259–60 (2009).

<sup>51</sup> THOMAS E. RICKS, *FIASCO* 288 (2006).

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<sup>52</sup> GEMBARA, *supra* note 32, at 298.

<sup>53</sup> SASSAMAN, *supra* note 1, at 96, 118.

<sup>54</sup> *Id.* at 183 (describing the actions following the death of Staff Sergeant Dale Panchot); *id.* at 229, 233 (describing the actions following the death of Captain Eric Paliwoda).

<sup>55</sup> *See* GEMBARA, *supra* note 32, at 283–84.

<sup>56</sup> *Id.* at 142.

<sup>57</sup> *Id.* at 141.

<sup>58</sup> *Id.* at 142 (explaining that on multiple occasions Sassaman dealt with U.S. snipers “asking for permission to pull the trigger. Each time, the sniper had spotted an insurgent clearly engaged in the burying of an IED. Yet, something prevented the soldier from executing the target in the prescribed and accepted fashion.”).

<sup>59</sup> *Id.* at 183.

*Warrior King* highlights the difficulty of making decisions in combat. Even the best commanders face difficult decisions and make the wrong choices. Sassaman is a strong personality who made decisions based on his judgment of right and wrong. He placed the welfare of Soldiers and mission accomplishment above all priorities, including honesty. A judge advocate counseling a leader like Sassaman must understand his perspective in order to give effective advice. *Warrior King* offers insights into the minds of commanders, the difficult ethical and legal decisions they must make, and the leadership principles that guide them.

## V. Conclusion

In *Warrior King*, Sassaman makes a number of claims that he fails to support. He admits to counseling his Soldiers to withhold information about the Tigris River incident, but

he comes up short in explaining his response or accepting responsibility for his clearly unethical advice. At its best, *Warrior King* puts the reader in Sassaman's shoes to reveal the challenges he faced and successfully exposes the "cowardly manner"<sup>60</sup> in which senior officers behaved in combat. However, unlike the West Point officer he champions early in the book, he failed to make the courageous and ethically right call in a difficult situation. He may have demonstrated personal bravery and tremendous tactical decision-making as a commander, but he ultimately failed to be the leader of character the American people needed him to be, and thus fails to win back his public image.

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<sup>60</sup> *Id.* at 306.