NOT JUST FOLLOWING ORDERS:

AVOIDING AND REPORTING

ATROCITIES DURING THE

VIETNAM WAR

by

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A DISSERTATION

Submitted in partial fulfillment of the requirements
for the degree of Doctor of Philosophy
in the Department of History
in the Graduate School of
The University of Alabama

TUSCALOOSA, ALABAMA

2014

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ABSTRACT

This dissertation develops a history of soldiers' efforts to report war crimes over the course of the Vietnam War. Previous scholarship that addressed this issue largely dismissed GIs who alleged war crimes as political activists, dupes of the media, or individuals seeking forgiveness for their actions in combat. However, these three categories are insufficient to understand the motives leading troops to claim that they witnessed war crimes during their service in Southeast Asia. Nor do they account for how soldiers chose to make their allegations, or how their rationales or methods changed over time. By re-examining the historical record of GI involvement in the antiwar movement, media accounts of soldiers alleging war crimes, and declassified Department of Defense documents, this dissertation presents a new framework for understanding both how and why American soldiers reported atrocities.

Soldiers adopted four primary venues when they alleged war crimes in Vietnam: their chain of command, the federal government, the media, or the antiwar movement. Generally, soldiers who remained convinced that the Army's hierarchy would properly investigate atrocity allegations reported atrocities through their local chains of command. As soldiers became increasingly disenchanted with the Army and the war, they chose more public venues to report war crimes. Soldiers who no longer believed that the Army, the federal government, or the press would act to address the problem of atrocities turned to the antiwar movement in an effort to educate the public about the conduct of the war, and its effects on both troops and Vietnamese noncombatants. This last group of soldiers naively hoped that just by publicizing the horrors of

the war, the American public would call for it to end, forcing the Johnson and Nixon administrations to act.

A key element affecting whether individuals chose to report atrocities was Seymour Hersh's explosive exposé of the My Lai Massacre in November 1969. Many soldiers who subsequently made war crimes allegations expressed their concerns that Lt. William Calley was a scapegoat selected by the Pentagon to placate the American public. They believed that commanding officers and policy-makers should accept the responsibility for American atrocities in Vietnam.

DEDICATION

Broadly speaking, this dissertation is dedicated to the 2,709,918 American military personnel who served in Vietnam between August 5, 1964, and May 7, 1975, most of whose experiences of the war remain untold. More specifically, this work is dedicated to Vietnam veterans such as James Henry, David Johnson, Garry Battles, and Hugh Thompson, who risked official repercussions or alienating family and friends when they sought to report atrocities they witnessed in Vietnam. Their efforts continue to help us gain new understandings of the war in which they served.

LIST OF ABBREVIATIONS AND SYMBOLS

Army of the Republic of Vietnam (ARVN)

Citizens Commission of Inquiry (CCI)

Concerned Officers Movement (COM)

Criminal Investigation Division (CID)

Department of Defense (DoD)

International Union of Students (IUS)

Long Range Reconnaissance Patrol (LRRP)

Military Assistance Command, Vietnam (MACV)

National Veterans' Inquiry (NVI)

Non-Commissioned Officer (NCO)

North Vietnamese Army (NVA)

Operation Enduring Freedom (OEF)

Operation Iraqi Freedom (OIF)

Post-Traumatic Stress Disorder (PTSD)

Public Information Office (PIO)

Radio-Telephone Operator (RTO)

Uniform Code of Military Justice (UCMJ)

Veterans Administration (VA)

Viet Cong (VC)

Vietnam War Crimes Working Group (VWCWG)

Vietnam Veterans Against the War (VVAW)

Winter Soldier Investigation (WSI)

World Foundation of Democratic Youth (WFDY)

ACKNOWLEDGMENTS

This dissertation would not have come to fruition without the help and support of a large group of people. First, I would like to thank the University of Alabama for the opportunity to complete my formal education in History. Second, I extend my heartfelt thanks to my co-chairs, Dr. Daniel Riches and Dr. Andrew Huebner for shepherding me through the dissertation process when the prospects for completion seemed bleak after several setbacks. Third, I would like to thank the other members of my dissertation committee at the University of Alabama, Dr. Kari Frederickson and Dr. John Giggie, for their assistance in arranging a desperately needed extension to complete my degree. Additionally, I must thank my outside reader, Dr. James Olson, who introduced me to the complex topic of My Lai during my time at Sam Houston State University, and for his willingness to once again serve on a committee critical to my education. The late Col. Cecil B. Currey, Ph.D, of the University of South Florida also proved a source of intellectual inspiration for this project. Where Dr. Olson introduced me to My Lai, Col. Currey taught generations of Army ROTC cadets that the Vietnam War was far more complex than they could imagine.

Several other kind individuals also deserve my thanks. Fellow University of Alabama graduate student Matt Pritchett went out of his way to help me track down an obscure source that was not available locally, taking time away from his family and studies to find and copy the relevant pages. Similarly, I thank Dr. Rachel McWhorter, for reading a draft of my dissertation in an effort to help me understand where I was going off the rails in integrating my evidence and

arguments more tightly together. Finally, I thank Steve Rose, of the *Kansas City Star*, and Jake Eubanks of the Johnson County (Kansas) Public Library for their assistance in tracking down one of Mr. Rose's editorials published in his family's now defunct newspaper, the *Johnson County Scout*.

In addition, research for this dissertation was possible only through several generous grants. Financial support from the American Historical Association through the Albert J. Beveridge Grant for Research in the Western Hemisphere, the Society for Military History, ABC-Clio, the University of Alabama Department of History, and the Summersell Center for the Study of the South allowed me to travel to the National Archives in College Park, Maryland. Funding from various sources also allowed me to acquire copies of courts-martial files from the National Archives in St. Louis, Missouri.

Finally, returning to graduate school would have been impossible without the support of my friends and family. I would like to thank my parents, Barbara Reeder Edwards and Michael Levesque, for their emotional and financial support over the course of the past seven years, as well as the confidence that I would be successful in anything I worked to achieve. My in-laws, Janet and John Noe, also provided encouragement throughout this process. Dr. Karin Levesque, my aunt, not only provided financial support when needed, but also encouragement and commiseration, after having completed her own doctorate and medical degrees. Even all of this assistance would not have mattered without the enduring love and support of my wife, Heather, who put up with my stress and angst while completing law school and studying for the Florida Bar Exam.

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CHAPTER 1

INTRODUCTION

"*Only an extraordinary few could withstand the pressures and maintain their moral beings in that awful place, in those terrible conditions. The extraordinary few somehow did withstand it. But we shouldn't – our society shouldn't be structured, ought not to be structured, so that only the extraordinary few can conduct themselves in a moral fashion.*" *– Ron Ridenhour*[1]

Historians have dealt with allegations of atrocities in Vietnam in several ways. The most common is to downplay the issue by suggesting that such events were aberrations committed by soldiers in unusual circumstances or by particularly disturbed individuals, or were lesser in scale than those committed by the Communist enemy.[2] When authors deal with atrocities seriously, they are often portrayed as the actions of poorly led or poorly trained soldiers, the result of frustration at not being able to engage the enemy, or actions taken out of a perceived need for revenge. A few scholars argue that atrocities by Americans were endemic during the war in Vietnam due to General William Westmoreland's strategy of attrition, the focus on statistics such as the body count, and the long term American "doctrine of atrocity" against racial Others.[3] As Kendrick Oliver argues, despite graphic images documenting abuses, American memory of war

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[1] Quoted in Michael Bilton and Kevin Sim, *Four Hours in My Lai* (New York: Viking, 1992), 374-375.

[2] Nick Turse, *Kill Anything That Moves: The Real American War in Vietnam* (New York: Metropolitan Books/Henry Holt and Company, 2013), 3-6.

[3] Nick Turse's recent book does not include the large amount of historiography or theoretical underpinning that his dissertation included, so where applicable, I have retained the citations for elements that only appear in the dissertation. Otherwise, citations for his work reflect his book. Appy, *Working-Class War*, Kindle, 2809; Nick Turse, "Kill Anything That Moves": U.S. War Crimes and Atrocities in Vietnam, 1965-1973," PhD diss., Columbia University, 2005, xxx.

crimes in Vietnam has faded because the soldiers who committed atrocities in Vietnam were more familiar and comprehensible to the public than their Vietnamese victims.[4] However, with the exception of scholarly attention paid to Hugh Thompson and Ron Ridenhour, the key figures in reporting the My Lai massacre, these discussions largely ignore the majority of soldiers who either refused to participate in atrocities, or reported those that occurred in Vietnam.

While Thompson eventually received accolades for his heroism and leadership at My Lai, the soldiers who joined the Vietnam Veterans Against the War (VVAW) get attention primarily in partisan political attacks. Despite Thompson's fame, and VVAW's notoriety, there are no systematic studies of soldiers who reported atrocities, or who intervened to stop them. The primary reasons for the lack of attention in this area are the shift in American cultural understanding of the war after 1975, and the public's desire to recover from the effects of the war on American society. Christian Appy argues that American's Post-Vietnam conception of the war focuses on the suffering of Vietnam veterans and their honorable service, and masks the prominence of the antiwar movement and debate over the conduct of the war. The result is that the accounts of soldiers who stepped forward to allege American war crimes in Vietnam are effectively hidden from view.[5] This work attempts to fill that gap by examining soldiers' reactions to atrocities in Vietnam, primarily through the lens of GIs who elected to report American war crimes in Southeast Asia. While most soldiers did not participate in atrocities, adopting either active or passive measures to avoid them, only a minority of them reported

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[4] Kendrick Oliver, *The My Lai Massacre in American History and Memory.* (Manchester: Manchester University Press, 2006), 3-6; James Russell Harris, ed., ""What Really Interests Me Are the People": Edward Coffman on Soldiers, Scholars, and the New Military History," *The Register of The Kentucky Historical Society* 99, no. 2 (Spring 2001): 123.

[5] Christian G. Appy, "Thee Muffling of Public Memory"; Nick Turse, *Kill Anything That Moves*, 18-19.

atrocities. Further, the methods they chose to allege atrocities and their justifications for doing so correlated closely with their belief in the American mission in Vietnam. These under-studied soldiers who reported war crimes are the focus of my study, which firmly embraces the goals of "the new military history," an enterprise that is now four decades old.

New military history, often referred to as the study of war and society, focuses on the connections between the military and the societies they serve.[6] In keeping with the goals of this movement, this study seeks to understand the actions of those men who chose to report atrocities in light of broader issues in American society and culture as they pertain to military service in Southeast Asia. As a result, unlike recent works such as Nick Turse's *Kill Anything that Moves*, this one treats battles and atrocities only as a means to introduce the events to which soldiers reacted. Although soldiers have a relatively limited view of the conflict they serve in – "only an area of a hundred yards or so," as Edward Coffman phrases it - analyzing the experiences of large numbers of soldiers serving across the length and breadth of the war provides the opportunity to demonstrate the analytical significance of their reactions to atrocities.[7] This is as true of Vietnam, where soldiers found themselves isolated in the field or at fire support bases, as it was of World War I, the subject of Coffman's celebrated work, *The War to End All Wars: The American Experience in World War I*. The reason for this is that before the advent of the All Volunteer Force in 1973, American armies were essentially "civilians who were temporarily in uniform" under the guidance of a smaller corps of regular officers and senior non-commissioned

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[6] Robert M. Citino, "Military Histories Old and New: A Reintroduction," *The American Historical Review* 112, no. 4 (October 2007): 1070, doi:10.1086/ahr.112.4.1070-1071.

[7] James Russell Harris, ed., ""What Really Interests Me Are the People," 127; RAND Corporation, "The Evolution of the All-Volunteer Force," RAND Corporation, 2006, accessed March 01, 2014, http://www.rand.org/pubs/research_briefs/RB9195/index1.html.

officers (NCO).[8] Most of the troops were hastily inducted, trained, and sent into combat assignments within months, and served only two- or three-year enlistments. Like previous wars, soldiers in Vietnam carried many of their ethical and moral values from civilian life with them. This study attempts to understand how an understudied population of soldiers reacted to atrocities. The combination of how soldiers reacted to atrocities in progress, and whether and how they later reported them, provides additional insight into the combat soldiers' culture.

The My Lai Massacre on March 16, 1968, looms over any discussion of American atrocities in Vietnam due to its scale and notoriety. In the case of the current study, My Lai provides the key analytical construct. Before My Lai became a public scandal in November 1969, American war crimes in Vietnam were largely unreported because many journalists, editors, and soldiers largely accepted the American mission in Vietnam, even when they disagreed with the methods employed.[9] Although that support, and that of the American public, were diminishing as American casualties mounted in 1967, the Tet Offensive of January 1968 cast the entire war effort in a negative light. That encouraged mainstream television and print media to report stories critical of the Johnson administration's handling of the Vietnam conflict.[10] Before the Tet Offensive, reports about Vietnam favored the Johnson administration by a ratio of 4:1, but afterward the ratio of favorable to unfavorable reports dropped to only

[8] James Russell Harris, ed., ""What Really Interests Me Are the People," 129.

[9] Tom Engelhardt, *The End of Victory Culture: Cold War America and the Disillusioning of a Generation* (New York, NY: BasicBooks, 1995), 189; Arthur Kaul, "The Unraveling of America," in *The Press in Times of Crisis*, ed. Lloyd Chiasson (Westport, Conn.: Praeger, 1995), 178; Ted Galen Carpenter, *The Captive Press: Foreign Policy Crises and the First Amendment* (Washington, D.C.: Cato Institute, 1995), 148-149; Oliver, *The My Lai Massacre in American History and Memory*, 24; Daniel C. Hallin, *The "Uncensored War": The Media and Vietnam* (New York: Oxford University Press, 1986), 161-169.

[10] Oliver, *The My Lai Massacre in American History and Memory*, 19; Hallin, *The "Uncensored War,"* 161-169.

2:1.[11] It was in this more critical environment that My Lai eventually became front-page news. This work argues that My Lai represents a watershed not only in the media's approach to covering American war crimes in Vietnam, but also radically altered how a significant minority of soldiers and veterans understood the war crimes they had witnessed.

Not all soldiers, of course, had the same response to the revelations of My Lai. While a large number decried the courts-martial of Lt. William Calley and his men as examples of the Army seeking scapegoats for its policies, others seized the opportunity to call for changes in policies and tactics, for the punishment of senior officers, and for the end of the war. A few desperate men sought to use the new focus on atrocities for their own ends – to impress spouses and classmates, or to appeal for leniency when court-martialed. How soldiers chose to allege atrocities largely reflected whether they continued to support American goals in Vietnam. Soldiers who maintained high levels of commitment to the Army and its mission tended to report atrocities to their local chain of command, while GIs who did not trust their officers to take their allegations seriously often wrote to general officers or other Pentagon officials who were not part of the local command structure.

The likelihood that soldiers would make public allegations of atrocities increased as their disenchantment with the Army increased. Men who wanted to avoid publicity that might harm the Army, but deeply desired investigations into their allegations, tended to write to Congressmen and Senators to ask for investigations, assuming that legislators would keep their claims out of the media. Soldiers who completely lost faith in the government's handling of the war turned to the media to report atrocities expecting that public outrage would force the

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[11] Hallin, *The "Uncensored War,"* 161.

government to change its policies in Vietnam. The most disenchanted soldiers became involved with the antiwar movement, joining groups such as VVAW. Many had lost faith in the American system, eventually developing systematic critiques of liberal democracy and capitalism.[12]

Why soldiers reported atrocities remains a neglected area of historical inquiry for several reasons: many atrocities were never reported or investigated, many events were covered up by the U.S. Military, and accounts in the popular media were either denounced as anti-war propaganda or could not be corroborated.[13] The availability of new archival evidence from the United States Army's Vietnam War Crimes Working Group has led to two new examinations of atrocities by American troops in Vietnam by Nick Turse and Deborah Nelson.[14] These accounts imply that atrocities were endemic in Vietnam as the result of official policy, and virtually ignore soldiers who chose not to participate in atrocities against civilians or, more relevant for this study, to report on their actions.

To assess these responses, I rely on the words of servicemen preserved in letters, trial transcripts and criminal investigations, congressional testimony, and speeches. Many of these sources focus on the atrocities, but also include statements by the individuals reporting the atrocities, witness interviews, and testimony of those who attempted to intervene. Witnesses often attempted to justify their action or inaction when their peers committed atrocities, providing key insights into why so many men stood by and watched as their comrades performed horrific acts. Recent works by other historians and journalists provide detailed examinations of

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[12] Melvin Small, *Antiwarriors: The Vietnam War and the Battle for America's Hearts and Minds* (Wilmington, DE: Scholarly Resources, 2002), 62; Andrew E. Hunt, *The Turning: A History of Vietnam Veterans Against the War* (New York: New York University Press, 1999), Kindle Book, 86.
[13] Turse, *Kill Anything That Moves,* 17.
[14] Nelson, *The War Behind Me*, 168.

why and how atrocities occurred, so my focus is on the men who did not join their fellows, as well as those who reported what they had done. GIs who witnessed, but did not participate in, atrocities far outnumber those who committed them. However, only a small fraction of the witnesses reported war crimes at any time during or after their service. By examining how this latter group of soldiers understood their actions, we gain a greater sense of their changing understanding of the Vietnam War.

Defining Atrocity

Although there is no formal legal definition of "atrocity," a consistent definition is critical for this study. Despite the lack of precision involved, I use atrocity and "war crime" as synonyms throughout the dissertation. In general, both terms reflect in the spirit of the standards of the 1949 Geneva Convention definition of crimes and "grave breaches" of the laws of war. In this, I follow the lead of other authors to avoid needless repetition of either phrase. Neil Sheehan and Nick Turse include air strikes on villages and the indiscriminate use of artillery in their definitions of atrocious behavior by armed forces, and the Uniform Code of Military Justice (UCMJ) and Geneva Convention support this formulation. However, these macro-level atrocities are only of secondary importance in this dissertation. Rather than focusing on state-level policies related to the destruction of agricultural land and housing, I examine the reactions of individual soldiers to micro-level atrocities – direct abuse of noncombatants including rape, murder, and torture. Soldiers and airmen involved in the macro-level atrocities in Vietnam were less likely to witness the results of their actions and less likely to discuss their activities in ways useful for this project. Being distant from close combat kept most pilots and artillery crew from having to question the results of the attacks they launched on a daily basis, which meant that they were less

likely to feel the need to understand the results within their own moral framework because they did not witness the consequences their actions had for noncombatants.

Sources

The archival sources for this project include many recently declassified U.S. government documents. The largest collection of documents is the Vietnam War Crimes Working Group (VWCWG) files, housed at the National Archives. The 9,000 pages in the collection document 320 substantiated atrocities by Americans in Vietnam. This archive includes witness accounts and the results of investigations by the U.S. Army's Criminal Investigations Division. The VWCWG was an unofficial group operating under the auspices of the Office of the Deputy Chief of Staff for Personnel. It was formed during 1970 as part of the U.S. Army's effort to keep the Army from facing the onslaught of negative press and public reaction following the exposure of the My Lai Massacre.[15] In addition to these documents, the *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, General William R. Peers' detailed report investigating the My Lai massacre, provides additional witness statements from soldiers who committed, witnessed, reported, and covered up atrocities at My Lai. Of primary interest in these collections are the original allegations of atrocities and the witness interviews from non-participants who observed abuse of noncombatants.

These archival sources are supplemented by courts-martial files from the National Archives in St. Louis, Missouri, and transcripts of unofficial war crimes hearings such as the

[15] "Finding Aids: Reference Information Paper 90 Part II," National Archives and Records Administration, accessed February 8, 2011, http://www.archives.gov/publications/ref-info-papers/90/part-2.html; Turse, "Kill Anything That Moves," diss., xxii; Nick Turse and Deborah Nelson, "Civilian Killings Went Unpunished," *Los Angeles Times*, August 6, 2006, accessed June 10, 2014, http:www.latimes.com/news/la-na-vietnam6aug06-story.html#page=1.

Winter Soldier Investigation, the National Veterans Inquiry, and the Dellums Committee Hearings. Whenever possible, I have used newspaper articles from across the country to supplement the official archival sources to corroborate the allegations made. Media accounts often provide additional information to flesh out the accounts provided by the VWCWG files. Press clippings also provide a valuable source of emotional context to add to the often accounts found in court documents or investigators' notes.

Interpreting these sources poses many of the same challenges as memoirs or oral histories in that witnesses whose testimony comprises these sources often occurred significantly after the events described. Despite this, the emotional language found in soldiers' responses to atrocities in these sources are critical for my analysis. The essentially oral nature of these sources – most did not originate as written documents but resulted from interviews with investigators or journalists, or from testimony at trials or hearings – provides rhetorical authority and reveals the wide variety of motives Vietnam veterans have in reporting atrocities.[16] These sources are especially useful for social and cultural historians because they give "regular" people, the soldiers in this study, a voice by showing how they experienced historical events and dealt with complex private issues.[17]

The origin and intent of the VWCWG files presents another challenge for interpreting these documents. The Army created the VWCWG not to seek justice for victims of American war crimes in Vietnam, or to ensure good order and discipline within the ranks, but to prevent the Army from being blindsided by another media frenzy like that following Seymour Hersh's

[16] David K. Vaughan and William A. Schum, "Motivation in U.S. Narrative Accounts of the Ground War in Vietnam," *Armed Forces and Society* 28, no. 1 (2001): 8; Patrick Hagopian, "Oral Narratives: Secondary Revision and the Memory of the Vietnam War," *History Workshop* 32 (Autumn 1991): 134-135.

[17] Paula S. Fass, "The Memoir Problem," *Reviews in American History* 34, no. 1 (2006): 107.

reporting on My Lai. That meant that investigators had the mission of identifying and investigating, but not necessarily of developing information that led to prosecutions. As a result, it sometimes appears that rather than fully pursuing cases documented by the VWCWG, the Army looked for reasons not to pursue cases – if potential defendants were discharged or deceased, if not all potential witnesses agreed that war crimes occurred, or if the site was behind enemy lines, the Army often closed the cases without a full investigation. To deal with this problem, and recognizing that my primary interest lay in the soldiers' reasons for reporting atrocities in the ways that they chose, I accept soldiers' atrocity allegations at face value if: there was no obvious personal gain for reporting the incident, if there were corroborating witnesses, and they provided specific details in describing the war crimes. Although soldiers who were attempting to gain transfers out of combat or reduced prison sentences may very well have witnessed the atrocities they reported, unless the Army's investigation bore out their claims, I discounted the events, but have included the cases in my analysis as examples of soldiers attempting to use the issue of atrocities to their own benefit.

Theoretical Assumptions

Theologian Rives Duncan developed the only analytical framework devoted to explaining the behavior of individual soldiers who did not participate in atrocities at My Lai. While Duncan does not extend his analysis to include soldiers who reported civilian abuses at My Lai, his model, based on Pierre Bourdieu's concept of *habitus*, provides a potential framework to analyze their actions. *Habitus* refers to the locus of interchange between the sociological field and the individual, and consists of "schemes of perception, thought, and action," that influence how

individuals understand their place in the world.[18] By combining *habitus* with individual moral character and situational influences, Duncan shows why, despite the pressures that training, discipline, and Charlie Company's culture exerted on individuals, some soldiers refused orders to kill civilians. The advantage of using *habitus* to analyze soldiers' behavior is that Bourdieu's theory allows individuals to act in ways outside the normative behavior of their environment without it becoming deviant. This allows Duncan to examine multiple influences on a person's behavior while remaining within his analytical framework.

While the military *habitus* of obedience and discipline imposed on soldiers during their training constrained their actions at My Lai, Duncan argues that its lack of religious or moral content allowed soldiers room to exercise agency as long as they adhered to norms of military behavior. Religious and moral training that soldiers acquired before their military service remained part of their solidified personal *habitus* through years of service, providing motivation for them to refuse orders to kill at My Lai.[19] When faced with obviously immoral or illegal orders like those to kill villagers at My Lai, Duncan argues that soldiers had to fall back on their personal *habitus* to find a course of action. Those with strong religious faith, or systematic moral training as provided by regular attendance at Sunday school, had deeply ingrained moral concepts that allowed them to determine whether an act was moral or immoral without requiring great reflection. Soldiers possessing a personal reserve of moral character were more likely to

[18] In Bourdieu's work, the "field" refers both to social class, and to the power relationships, which are quite visible in military settings due the hierarchy provided by formal rank and positions. Rives M. Duncan, "What Went Right at My Lai: An Analysis of the Roles of Habitus and Character in Lawful Disobedience" (diss., Temple University, 1997), 18.

[19] Duncan, "What Went Right at My Lai," 63-68.

resist orders to kill civilians.[20] While Duncan does not explicitly address reporting atrocities in his analysis of what went right at My Lai, his framework provides a potential way forward in explaining the motivations of some of the soldiers in this study who decided to report atrocities, or to cooperate with investigations, when doing so placed them at odds with their superiors or their peers. As we will see, several soldiers who testified at war crimes hearings held by the antiwar groups often reported that they were moved to do so by either their religious beliefs, or their belief in their duty as Americans. However, Duncan's framework provides only a partial explanation for the question of why soldiers chose to report atrocities – it seems unable to account for soldiers radicalized by their experience of war, by their experiences in Veterans' Administration hospitals, or by their perceptions of Lt. Calley as a scapegoat for civilian deaths at My Lai.

Philosopher Pauline Kaurin utilizes the My Lai Massacre and the court-martial of Lt. William Calley to explore philosophies of agency within the context of military conceptions of honor and oath taking. The question here is how much responsibility Calley and his men have for their actions at My Lai. In her view, traditional theories of agency are unable to address whether Calley and others were merely following orders from their superiors at My Lai. She argues that explaining My Lai requires a new theory of agency that takes morality, responsibility, and normativity into account. The military environment provides a severely constrained environment to test this new theory of agency, and relies on the understanding that oath taking is not merely making a promise, but actively affirming the values "necessary for military honor," which provides the basis for character and agency within the context of the military. Calley's conduct

[20] Duncan, "What Went Right at My Lai," 73-75.

then becomes the test case – his violations of military honor by massacring noncombatants at My Lai required a conscious decision to violate his oath and military norms.[21] Although Kaurin focuses on the perpetrators of the massacre, her theory lends itself equally well to either those who refused to participate, or who later took action to report My Lai and other atrocities. This model of agency not only helps explain Hugh Thompson's decision to intervene at My Lai, but his decision to report the massacre to both his superiors and the brigade chaplain. He took his oaths as a member of the military not only at face value, but as an ideal to embrace.[22] Under this model, Thompson becomes the polar opposite of Calley. As I will demonstrate, many of the soldiers who became part of the antiwar movement, or reported atrocities through less public venues, acted on similar impulses to remain true to their ideal of the soldier's responsibility, or as a result of their own moral codes.

While I do not make explicit reference to either of these mechanisms within the text of this dissertation, both guide my understanding of how soldiers perceived atrocities, and how they reacted to them in the field and once they returned home. Only by accepting that prior experience and individual agency allowed soldiers freedom of action can we make sense of soldiers' decisions of whether to report atrocities, and which avenue they chose to make their allegations. Duncan's combination of *habitus*, moral character, and situational influences, including fear of prosecution, immediate violence, or withdrawal of comrades' support, provides key insights into

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[21] Pauline M. Kaurin, "Agency and Character: A View of Action and Agency" (diss., Temple University, 1997), 9-21.

[22] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 5, 501 (1970) (testimony of Larry Colburn); *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 8, 55 (1970) (testimony of Hugh Thompson); *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 1, 531 (1970) (testimony of Carl Cresswell); Trent Angers, *The Forgotten Hero of My Lai: The Hugh Thompson Story* (Lafayette, Louisiana: Acadian House, 1999), 132.

why the soldiers in the accounts presented here made the choices they did after witnessing or being told about atrocities.

Historiography

For all of the controversy surrounding the subject of American atrocities in Vietnam, the historiography of the war is notable for its lack of serious treatment of the subject, especially the varied methods that soldiers used to report them. Only in the past decade have historians devoted themselves to the topic of atrocities in Southeast Asia. The reasons include difficulty in obtaining government documents from the war, many of which remained classified until the mid-1990s. Reports and allegations of atrocities in the popular media, in testimony before Congress, and in memoirs published by veterans were systematically attacked for political reasons, and as part of a cultural project to rehabilitate the image of the war as a "noble cause."[23] In his 2005 dissertation, Nick Turse argues that the United States pursued what he and Christian Appy referred to as a "doctrine of atrocity."[24] In both his dissertation and subsequent book, Turse contends that American atrocities in Vietnam were endemic and the result of the combination of Gen. William Westmoreland's strategy of attrition, the focus on statistics such as the body count to measure progress in the war and as a measure of officer effectiveness, racism among

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[23] Appy, "The Muffling of Public Memory"; Turse, *Kill Anything That Moves*, 18-19; Ronald Reagan, "Peace: Restoring the Margin of Safety" (speech, Veterans of Foreign Wars Convention, Chicago, August 8, 1980), accessed June 10, 2014, http://www.reagan.utexas.edu/archives/reference/8.18.80.html; Ronald Reagan, "Remarks at Memorial Day Ceremonies Honoring an Unknown Serviceman of the Vietnam Conflict" (speech, Memorial Day Ceremonies, Amphitheater at Arlington National Cemetery, Arlington, May 28, 1984), accessed June 10, 2014, http://www.reagan.utexas.edu/archives/speeches/1984/52884a.htm; James Kilpatrick, "A Defense of Mr. Reagan's "Noble Cause"" *The Telegraph* (Nashua), August 28, 1980, accessed June 10, 2014, http://news.google.com/newspapers?nid=2209&dat=19800828&id=nqArAAAAIBAJ&sjid=YvwFAAAAIBAJ&pg=4992,5668227; T. L. Foster, "Yes, Our Cause in Vietnam Was Noble," editorial, *The Peoria Journal Star*, September 6, 1980, accessed June 10, 2014, http://www.vietamericanvets.com/Page-Records-YesOurCause.htm.

[24] Appy, *Working-Class War*, Kindle 2809; Turse, "Kill Anything That Moves," diss., xxx.

American troops, and training methods that emphasized obeying orders and shooting before identifying targets.[25] Even though Turse provides examples of soldiers who tried to stop atrocities, he only sporadically discusses soldiers who reported atrocities. Rather than analyzing why servicemen reported war crimes, Turse merely describes them as “disgusted,” “impassioned,” or “troubled” by the rapes and murders they witnessed.[26]

Why soldiers reported atrocities was similarly a side issue for Christian G. Appy in his book *Working-Class War*, which attributed the impulse to contact authorities about war crimes solely to religious belief. Instead, Appy focused on the demographics, training, and attitudes of American combat soldiers serving in Vietnam, laying the groundwork for Turse’s more recent study. Although atrocities were not his primary focus, Appy argued that the American “doctrine of atrocity,” with its focus on body count to measure progress and loose Rules of Engagement led troops to destroy villages with impunity and indiscriminately fire at Vietnamese, often with the encouragement of their superiors.[27] In his discussion of this permissive environment, Appy relies on the example of Sven Erikkson (a pseudonym) to illustrate the challenges facing soldiers determined to report war crimes. Erikkson not only refused to join the rape and murder of a young Vietnamese woman, but reported the crime once he returned to base despite the threats of the sergeant commanding the patrol. While Appy fails to analyze why other soldiers reported war crimes, the episode illustrates the challenges they faced when they tried. Erikkson initially reported the rapes and murders he witnessed through a captain, presumably his company commander, who promised to investigate the incident. When that did not happen, Erikkson

[25] Turse, *Kill Anything That Moves*, 25-27.
[26] Turse, *Kill Anything That Moves*, 10, 74.
[27] Appy, *Working Class War*, Kindle 2805.

turned to a chaplain with his concerns. The chaplain contacted the U.S. Army's Criminal Investigation Division (CID), and the case eventually resulted in courts-martial for those involved. Soldiers who witnessed atrocities faced the questions of who to report them to, what the consequences for their actions would be, and whether anyone would believe them.[28] Like My Lai, this case presents the issues facing soldiers moved to report war crimes in microcosm. It took a determined soldier to persevere long enough to prod Army to investigate and prosecute soldiers who committed potential war crimes in Vietnam.

The most common way to discuss American atrocities in Vietnam is through the example of My Lai. This is so much the case that in many histories of the war, it is the only American war crime discussed. Historian Michal R. Belknap addresses the issue of atrocities in Vietnam through the lens of the court-martial of Lt. Calley. Like Turse and Appy, Belknap argues that American use of body counts to determine officer promotion led to indiscriminate killing in which all dead Vietnamese counted as Viet Cong killed in combat. The "Mere Gook Rule," in which American troops counted all dead Vietnamese as Viet Cong, poor leadership, desire to avenge recently killed friends, and minimal training in the laws of war were factors that led to incidents such as My Lai.[29] In his analysis of the massacre there, Belknap documents a wide range of methods that soldiers used to report atrocities through the analysis of the Peers Commission report on the Americal Division cover-up, and as a result focuses primarily on the system's failures. Although Hugh Thompson and the other aircrews reported the civilian deaths they observed through their own chain of command, the 11th Brigade's officers downplayed the

[28] Appy, *Working-Class War*, Kindle 3787-3805.
[29] Belknap, *The Vietnam War on Trial,* 18-36.

scale and import of their claims.[30] The result was that while the pilots expected a thorough investigation, nothing happened until Ron Ridenhour, who learned about the massacre from friends, contacted members of Congress to demand an investigation. Ridenhour is the only soldier to whom Belknap attributes a motive beyond shock or outrage for reporting My Lai – the belief that "for America to do nothing about the massacre would pervert its entire war in Vietnam, calling into question what he and the GIs who had died there were fighting for."[31]

Journalists Michael Bilton and Kevin Sim provide the most detailed analysis of My Lai, including exhaustive discussions of soldiers who refused orders to shoot civilians, who intervened to stop the killing, and who reported the massacre to authorities. They argue that soldiers at My Lai did not know who to report atrocities to since their own company commander seemed to tolerate abusing civilians, and that they feared retribution if they did come forward with allegations.[32] In their portrayal of Ron Ridenhour, the soldier who eventually reported the details of the killings at My Lai, Bilton and Sim provide a glimpse of the thought processes of a soldier determined to report an atrocity. Having heard about the lack of investigation from friends, Ridenhour became determined to report the massacre to other authorities to ensure that a proper inquiry occurred because to ignore it would make him part of the crime.[33] However, when it seemed that the Army was intent on making Lt. Calley a scapegoat for the entire massacre, Ridenhour turned to media outlets to expose the massacre.[34] Because they focus on My Lai, Bilton and Sim do not attempt to provide a framework for understanding atrocities.

[30] Belknap, *The Vietnam War on Trial,* 79-85.
[31] Belknap, *The Vietnam War on Trial,* 103.
[32] Bilton and Sim, *Four Hours in My Lai*, 79.
[33] Bilton and Sim, *Four Hours in My Lai*, 215.
[34] Bilton and Sim, *Four Hours in My Lai*, 250-251.

Unlike most authors, Joanna Bourke argues that My Lai was far from an isolated incident.[35] She also devotes space to soldiers who refused to participate in atrocities, as well as those who eventually reported them. Bourke contends that soldiers and veterans often reported rape and murder in Vietnam, but portrays these allegations as occurring only within the context of growing disenchantment with the war effort. Atrocities, Bourke believes, temporarily took a prominent place in the public discussion of the war during its later stages due to the development of a "self-conscious, psychoanalytical style of war memoirs" that developed into more detailed and "confessional" combat narratives. Further, political groups depicted the war as particularly gruesome to fulfill their own agendas, as VVAW did when it used atrocities to argue for a speedy American withdrawal from Southeast Asia.[36]

Bourke's analysis of whether soldiers alleged war crimes provides a solid foundation for examining the topic. She reports that many soldiers believed that the United States should hold higher commanders, who gave the orders and set policies, responsible for the atrocities their men committed in Vietnam rather than focusing on junior officers and enlisted men.[37] Bourke also asserts that the most common reason GIs did not report atrocities was fear. Not only did witnesses fear fragging by the members of their platoon if they reported atrocities, but they also feared official repercussions for dissent such as being sent to prison, or receiving a dishonorable discharge.[38] Despite laying this important groundwork, Bourke concluded that the psychological need to confess their activities in Vietnam, and the desire to engage in political activism, were the most prominent factors that explained why veterans reported atrocities after leaving Vietnam.

[35] Bourke, *An Intimate History of Killing,* 166.
[36] Bourke, *An Intimate History of Killing,* 167-169.
[37] Bourke, *An Intimate History of Killing,* 180.
[38] Bourke, *An Intimate History of Killing,* 187-188.

Fear of retribution became a third, but less important, explanatory factor in Bourke's analysis of soldiers who alleged war crimes in Vietnam.

Although journalist Deborah Nelson made great contributions to recent scholarship on American atrocities in Vietnam in her book *The War Behind Me*, her focus on vindicating the claims of specific individuals prevents her from deeply examining her subjects' motives or means of reporting war crimes. Instead, Nelson endeavors to expose what she considers a massive cover-up of American war crimes by working from the documents of the Vietnam War Crimes Working Group. To illustrate the types of incidents covered up, Nelson sought out witnesses and participants in a small selection of the atrocities documented by the U.S. Army in order to vindicate those who spoke out against war crimes, including those who reported them to the military, government officials, and the media, during the 1960s and 1970s.[39] Nelson argues that when the Nixon administration requested a list of investigations into American atrocities after John Kerry testified in the Senate about war crimes in April 1971, the VWCWG provided a list of two hundred thirteen suspects and confirmed cases that supported Kerry's accusations before Congress. Rather than revealing these findings to the public, Nelson contends that President Richard Nixon and his staff worked with conservative groups like Vietnam Veterans for a Just Peace to condemn allegations of American war crimes in Vietnam - its key strategy was to paint those who reported atrocities in Vietnam as "a motley crew of exaggerators and frauds."[40]

Nelson's goal is to use the evidence provided by the Army's investigations to support the veterans who reported atrocities in Vietnam but were ignored or threatened as a result, leading

[39] Nelson, *The War Behind Me,* 1-5.
[40] Nelson, *The War Behind Me,* 4.

her to provide vignettes that focus on individual soldiers caught up in horrific incidents during their service in Vietnam.[41] The only motive she provides for soldiers reporting American war crimes in Vietnam appears in James Henry's statement to CID that he wanted "the murder of Vietnamese stopped and I want the military to stop putting Americans in the position of becoming murderers."[42] This represents the gap in the literature of the war that I seek to fill – why did some soldiers persistently seek to report atrocities when others did not, and why did they settle on the reporting mechanisms they chose?

In his biography of Hugh Thompson, the helicopter pilot who intervened to stop the massacre at My Lai, Trent Angers focuses on why Thompson felt moved to place his career on the line by intervening in an ongoing massacre, and then reporting the murders to both his commanding officers and the brigade chaplain.[43] Despite occasional lapses into hagiography, Angers provides an important glimpse of my subjects: the soldiers who reported the abuse of noncombatants. As a soldier who both intervened in an ongoing atrocity by putting his own life in danger, and then reported the event to his chain of command, Thompson remains the model of one extreme reaction to atrocities.

Other historians of the Vietnam War have either ignored or minimized American atrocities in Vietnam in their narratives. This pattern developed soon after the end of the war in 1975, so that by the 1990s journalists Michael Bilton and Kevin Sim argued that even the well-documented My Lai Massacre was but a vague memory for many Americans. When it aired, their documentary *Four Hours in My Lai* garnered complaints that it was cruel to remind people

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[41] Nelson, *The War Behind Me,* 4-5.
[42] Nelson, *The War Behind Me,* 16.
[43] Angers, *The Forgotten Hero of My Lai*, 46.

of the event after two decades.[44] What Christian Appy described as the "muffling" of public memory of the war began with Guenter Lewy's revisionist work, but it is also evident in history texts often used in college classrooms.[45] Other commentators on American cultural changes caused by the war are harsher. Keith Beattie calls the diminishing memory of the pain caused by the Vietnam War "Vietnamnesia." He contends that government officials began their effort to erase the public memory of the war immediately after the fall of Saigon, a pattern that continued into the presidency of George H.W. Bush.[46] According to Beattie, a more vicious pattern also emerged shortly after the war – a stab in the back theory similar to the *Dolchstoßlegende* that developed in Germany following its defeat in World War I. Conservative commentators and historical revisionists argued that the media and the antiwar movement caused the American loss in Southeast Asia.[47]

Appy argues that the subject of American atrocities in Southeast Asia became "illegitimate" or "disqualified" knowledge.[48] While he, Nick Turse, and Deborah Nelson began the process of dragging the subject back into American consciousness, they leave a vital gap in our understanding of how soldiers experienced atrocities, and how they responded to their experiences. Nelson comes closest to presenting the soldiers who reported abuses of civilians and enemy prisoners as fully realized individuals, by closely interviewing about their experiences and motivations, but does not do so in a systematic manner. My goal is to expose more of this hidden history by providing a systematic exploration of why soldiers decided to report atrocities

[44] Bilton and Sim, *Four Hours in My Lai* (New York: Viking, 1992), 4-10.

[45] Appy, "The Muffling of Public Memory"; Appy, *Working-Class War*, Kindle 133-160; Turse, "Kill Anything That Moves," diss., 158-162.

[46] Keith Beattie, *The Scar That Binds: American Culture and the Vietnam War* (New York: New York University Press, 1998), 25-33.

[47] Beattie, *The Scar That Binds*, 21-22.

[48] Appy, *Working-Class War*, Kindle 133-160;

that occurred in Vietnam, and their rationale for choosing various venues – essentially how soldiers understood their decisions to make war crimes allegations.

Most histories of the Vietnam War do not comprehensively address the issue of atrocities, much less the question of why soldiers reported the war crimes they witnessed. Although their history of the war, *Where the Domino Fell*, only briefly mentions My Lai, as an incident contributing to anti-war feeling James Olson and Randy Roberts, but they demonstrated an understanding of My Lai's importance as an event in a subsequent edited collection of documents related to the massacre.[49] That discussion of war crimes goes far beyond that found in other works including prize-winning histories of the Vietnam War such as Stanley Karnow's *Vietnam: A History* and Neil Sheehan's *A Bright Shining Lie*. Karnow mentions My Lai only as damaging to morale and argues that massacres or casual abuses of civilians were the result of soldiers' fear of the unknown in South Vietnamese villages.[50] In contrast, Sheehan focuses on the effects of artillery and aerial bombardment on villages in South Vietnam.[51] The only incident involving infantry that Sheehan discusses is My Lai, which he asserts was different from the normal American method of killing civilians only in that Calley's troops used their personal weapons rather than artillery to do their killing.[52] Perhaps because Sheehan folded his critique of the war into his biography of John Paul Vann, the Army's efforts to cover-up the massacre, and the roles of soldiers in reporting it, get no attention.

Pulitzer Prize-winning journalist Frances FitzGerald sheds a bit more light on soldiers

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[49] James S. Olson and Randy Roberts, *Where the Domino Fell: America and Vietnam, 1965-1995* (St. James, NY: Brandywine Press, 1999), 224-226.
[50] Stanley Karnow, *Vietnam: A History* (New York: Penguin Books, 1997), 30, 482.
[51] Neil Sheehan, *A Bright Shining Lie: John Paul Vann and America in Vietnam* (New York: Vintage Books, 1988), 688.
[52] Sheehan, *A Bright Shining Lie*, 690.

who reported atrocities, but makes little effort to explore why this small minority of soldiers chose to step forward. She briefly mentions members of VVAW who testified that they witnessed atrocities in Vietnam at the Winter Soldier Investigation in January 1971 and before the subsequent Senate Foreign Relations Committee.[53] However, FitzGerald fails to identify the VVAW as the sponsors of the hearings in Detroit, and treats participants as an undifferentiated mass. While she provides a tiny glimpse of the crimes the veterans alleged, she does not attempt to explain why they chose to come forward in 1971, or in such a public manner.

More recent studies of Vietnam similarly ignore both atrocities and the soldiers who reported them. H.R. McMasters' study of leadership failures during the war, *Dereliction of Duty*, seems like it should directly address both issues as indicators of the tragic failures of military leadership in Vietnam. Unfortunately, McMasters neglects to even mention the My Lai massacre, much less Ron Ridenhour's decision to report it to Congress. Lewis Sorley's *A Better War* similarly gives the entire subject of atrocities short shrift. Focusing on the later years of the war, Sorley argues that Gen. Creighton Abrams criticized many of the tactics and strategies that led to war crimes – the strategy of attrition and the indiscriminate use of air support and artillery – when he took command of the Military Assistance Command, Vietnam (MACV) in 1969. However, Sorley only mentions My Lai in a toss-away comment on the indiscipline of another unit in the Americal Division that suffered massive casualties due to drunkenness in the field. He never addresses My Lai as an event, nor does he refer to other atrocities.[54] By ignoring the subject of atrocities, Sorley also neglects a key indicator of slipping morale after Abrams

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[53] FitzGerald, *Fire in the Lake*, 371-372.

[54] Lewis Sorley, *A Better War: The Unexamined Victories and Final Tragedy of America's Last Years in Vietnam* (New York: Harcourt, 1999), 294.

assumed command – soldiers stepping outside their chain of command to report atrocities. Since Abrams commanded American forces in Vietnam when U.S. Army regulations changed to allow soldiers to report war crimes to chaplains and inspectors general, this is a significant oversight that I seek to address.

Most histories of the war that examine American atrocities in Vietnam and the soldiers who reported them do so primarily to attack the idea that Americans committed war crimes. Although this trend began in scholarly circles in 1978 with Guenter Lewy's work, by the 1990s a new generation of authors devoted their efforts to challenging the very idea of American atrocities in Vietnam. The core concept of this movement was the idea that My Lai was an exceptional incident.[55] Lewy devotes two chapters of *America in Vietnam* to the subject, but rather than fully exploring the issue of atrocities, he focuses on trying to prove that they were unusual in the war effort: the few that occurred were the acts of a few bad actors that the antiwar movement overemphasized, and the Communist enemy propagandized.[56] Lewy's work serves as the vanguard for a series of politically conservative revisionist authors who attack the very notion that Americans participated in atrocities other than My Lai despite the overwhelming evidence available from the early 1970s.[57] This dissertation serves as a counter to this trend in revisionist accounts of the Vietnam War by attempting to provide a more balanced examination of the motives and rationales of the soldiers who reported atrocities by focusing on their methods

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[55] Christian Appy, Nick Turse, Keith Beattie, and Gabriel Kolko describe this a concerted effort during the 1980s and 1990s by conservative politicians, historians, and veterans to reclaim the legacy of the war. Appy, "The Muffling of Public Memory"; Appy, *Working-Class War*, Kindle 133-160; Turse, *Kill Anything That Moves*, 11; Gabriel Kolko, *Anatomy of a War: Vietnam, the United States, and the Modern Historical Experience* (New York: Pantheon Books, 1985), 345.

[56] Guenter Lewy, *America in Vietnam* (Oxford: Oxford University Press, 1978), 307-373.

[57] Robert J. Lifton, *Home from the War: Vietnam Veterans; Neither Victims Nor Executioners* (New York: Simon and Schuster, 1973), 16.

of making war crimes allegations to their chains of command, the government, the media, or the antiwar movement.

Despite acknowledging that My Lai was not a unique event in American military history because the U.S. Army had committed massacres in earlier conflicts, B.G. Burkett and Glenna Whitley argue that in Vietnam, My Lai was an aberration that shed no light on the greater conduct of the war.[58] Mark Woodruff follows a similar line of thinking, and attacks the notion that American troops committed atrocities other than the My Lai massacre by claiming it was unique because records of similar events do not exist, and erroneously stating that it became public due to the efforts of a soldier who witnessed the massacre. He argues that My Lai became the exceptional event that provided Communists with the fodder they needed to make a range of false atrocity allegations against American troops.[59] That Ron Ridenhour, the soldier who eventually exposed My Lai by contacting members of Congress, was not at My Lai is the smallest problem with Woodruff's argument.[60] This study will argue that rather than being an exceptional event without analytical value, My Lai became a watershed that dramatically influenced how substantial groups of soldiers responded to atrocities and the U.S. government.

As Bilton, Sim, and Turse demonstrate, using sources that were available when Woodruff was writing, American troops and their allies engaged in other atrocities that were similar to My

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[58] B.G. Burkett and Glenna Whitley, *Stolen Valor: How the Vietnam Generation was Robbed of Its Heroes and Its History* (Dallas: Verity Press, 1998), 138.

[59] Mark W. Woodruff, *Unheralded Victory: The Defeat of the Viet Cong and the North Vietnamese Army, 1961-1973* (London: HarperCollins, 2000), 243-248.

[60] Bilton and Sim, *Four Hours in My Lai* (New York: Viking, 1992), 305-306; Bourke, *An Intimate History of Killing*, 162; James S. Olson and Randy Roberts, *My Lai: A Brief History with Documents* (Boston: Bedford, 1998), 147; Belknap, *The Vietnam War on Trial*, 104; Oliver, *The My Lai Massacre in American History and Memory*, 34-36.

Lai, even if they did not approach its sheer size.[61] Bilton and Sim demonstrated that another massacre occurred near My Lai in the village of My Khe, where Bravo Company, 4th Battalion, 3rd Infantry massacred between eighty and one hundred fifty-five civilians.[62] What made My Lai exceptional was the documentation of the massacre by the Peers Commission and trial records. Woodruff also argues that most American media coverage of atrocities originated in the North Vietnamese *dich van* propaganda campaign, intended to sway American public opinion on the war. He contends that rather than reporting real examples of American atrocities in Vietnam, the media unintentionally repeated false or grossly exaggerated war crimes allegations.[63] Woodruff also asserts that the antiwar movement's claims that American troops abused Vietnamese civilians originated within the *dich van* program; veterans who accepted atrocities claims naively believed false statements, and frequently told civilians (and each other) rumors of atrocities as if they were facts in order to avoid discussing the realities of their combat experiences.[64]

Continuing with his argument, Woodruff attempts to discredit all veterans who alleged atrocities in Vietnam by exposing individuals who claimed combat service in Vietnam, but who had limited or no service in Southeast Asia.[65] However, in his rush to condemn all GIs who claimed to witness American war crimes, Woodruff ignores the individual experiences of the majority of the soldiers who voluntarily spoke to reporters, participated in *ad hoc* war crimes hearings, or contacted their congressmen. This means that he ignores the motivations of GIs who supported the war along with those who wished to stop it, or who wanted American tactics in

[61] Turse, "Kill Anything That Moves," diss., 161-172.
[62] Bilton and Sim, *Four Hours in My Lai*, 309; Turse, "Kill Anything That Moves," diss., 173.
[63] Woodruff, *Unheralded Victory*, 231-235.
[64] Woodruff, *Unheralded Victory,* 299.
[65] Woodruff, *Unheralded Victory*, 331-336.

Vietnam to change. These concerns and motives of these soldiers, who are drowned out in most histories of the war, are the ones I seek to recover. In doing this, I stake out a historiographical position between the traditional and revisionist narratives of the war by arguing that atrocities by American troops were an on-going and important part of the war. While I do not fully accept the position that Nelson and Turse seem to argue for – that atrocities were the deliberate result of U.S. policy choices and tactics, neither do I accept that the war crimes claims that flourished in the American media after November 1969 were the result of Communist propaganda. The truth about the regularity of American atrocities in Vietnam, and their importance in how we should understand the war, lies somewhere between those two points of debate.

To reiterate: this dissertation proposes a new framework for understanding how soldiers chose to report atrocities in Vietnam once they made the decision to do so. I posit that among soldiers whose moral, ethical, or professional identities inclined them to report atrocities, their level of discontent with the U.S. Army and the conduct of the war in Vietnam closely correlated with the methods they used to allege war crimes by American forces. As the chart below illustrates, as soldiers became more discontented, they chose increasingly public venues to make their allegations that American forces committed atrocities.

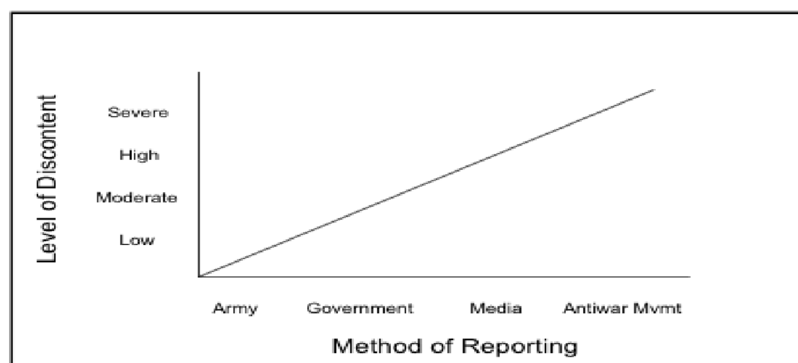

Figure 1. Level of Soldier Discontent and Method of Reporting

Soldiers who continued to believe in their mission in Vietnam, planned to make a career in the Army, or believed in the integrity of their chain of command tended to report atrocities as they would any other crime: through their superiors and other official channels. When soldiers lost confidence in their immediate superiors, but still wanted to report war crimes, they sometimes did so by contacting general officers serving at the Pentagon or other important Army facilities like the Infantry School at Fort Benning, Georgia. Many of the men in this group contacted the Pentagon or their Congressmen because they believed that the federal government could (and would) take action to prevent atrocities from occurring in Vietnam. Further along the continuum of discontent were soldiers and Vietnam veterans who had lost faith that government officials would do anything about atrocities in Vietnam, but retained their belief in the American political system. These men took their allegations of American atrocities to media organizations, many of which gave new credence to war crimes claims after My Lai became a public scandal. The last group of soldiers had lost their faith in the American system as a whole, and took to the streets and staged their own war crimes hearings as members of a revived antiwar movement. Vietnam

veterans and active duty soldiers hoped that by exposing the American public to the endemic nature of atrocities American troops committed in Vietnam, popular pressure would force Congressional action to end the war.

This framework provides a useful structure for examining soldiers' motivations when confronted with atrocities in the field, in the courtroom, and once they returned home. The majority of this work focuses on the reasons those who alleged atrocities gave for reporting them, and how they justified their actions when they witnessed American war crimes in Vietnam. The vast majority of soldiers developed mechanisms for avoiding participating in obvious war crimes such as rape, murder, and torture, but stopped short of intervening during incidents or reporting atrocities during their service in Vietnam, or even after they returned home. They understood their choices – to report war crimes, or to remain silent - through the lenses of professionalism, religious belief, masculinity, and fear of retaliation. How soldiers justified their decision to report atrocities, and the avenues they chose to make their allegations, are my primary concern. Examining these facets of the combat soldiers' experience in Vietnam provides a more complete understanding of how soldiers came to terms with their experiences in Southeast Asia. GIs grappled with the problems inherent in viewing themselves, their peers, and their country as intrinsically good when faced with the acts that they and other soldiers committed, and that their country appeared to require of them.

Even with this framework, several key concepts are critical to understanding what motivated soldiers to report atrocities, and how they chose a mechanism to make their allegations, especially as they became increasingly alienated from the Army and the government. Both the consequences of dissent for soldiers serving on active duty and effects of President

Richard Nixon's policy of Vietnamization on morale had dramatic influence on whether, when, and how GIs made war crimes allegations. When combined with changes in public support for the war, and journalists' willingness to cover atrocities, these issues help explain why atrocity claims increased during the final three years of the war.

In developing this framework, I hewed closely to the public portions of the VWCWG files, which offered approximately two hundred forty-two cases. The antiwar movement generated one hundred forty-nine of these cases simply because the Winter Soldier Investigation, National Veterans Inquiry, and the Dellums Committee provided the Army with a large number of war crimes allegations to investigate. Of the remaining ninety-three cases, thirty-seven were the result of soldiers reporting atrocities through their chains of command, twenty-six were cases of soldiers contacting government officials, and twenty-three were cases in which soldiers sought out journalists. The remaining seven cases defied easy categorization, and contributed very little to this study. This sample clearly does not represent the entirety of the VWCWG case files, nor do they represent every soldier that reported atrocities in these venues. However, this set of cases allowed me to place the allegations made into the context of official investigations that were sometimes extraordinarily detailed, and which separate news stories occasionally confirmed, That allowed a modicum of verifiability of the details of the allegations soldiers made. The combination of these sources also provided greater access to information that revealed how soldiers understood their own motives and methods.

Dissent while in uniform carried potentially severe consequences. In addition to fear of ridicule or fragging for soldiers who declined to participate in atrocities, official punishment posed a significant threat. One soldier claimed that he obeyed an order to execute a wounded

prisoner out of fear of being assigned KP as punishment, while another claimed that his commanding officer threatened him with prison if he reported the murder of several Vietnamese civilians.[66] Punishments such as demotion, dishonorable discharge, or an undesirable transfer might also await soldiers who spoke out against abuse.[67]

Vietnamization, the Nixon administration program that began withdrawing American troops from Vietnam in July 1969, also had an affect on soldiers' reporting atrocities in two ways: it hurt the morale of soldiers serving in Vietnam, and led many veterans to believe that the government had broken faith with them by seeming to accept defeat despite their sacrifices. Soldiers still in Southeast Asia felt a growing sense of futility about the war, leading to increased drug use and the development of mandatory drug tests, which further alienated men trying to escape from the horrors of war.[68] The drawdown in American forces hurt morale by leading soldiers to doubt the war. Not only did the domino theory no longer provide justification for the war, but troops lost a clear sense of mission. If the United States was withdrawing its ground forces what was their mission? Rather than focusing on winning the war, soldiers focused on surviving their tours of duty. Not wanting to be the last American to die in Vietnam, GIs lost their faith in the Army that was asking them to do just that.[69]

Conclusion

The moral and emotional elements of soldiers' decisions to report atrocities are often either underplayed or distorted in recent histories of the war, yet still play a profound role in the

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[66] Bourke, *An Intimate History of Killing*, 186-187.

[67] Penny Lewis, *Hardhats, Hippies, and Hawks: The Vietnam Antiwar Movement as Myth and Memory* (Ithaca: ILR Press, 2013), 117; Appy, *Working-Class War*, Kindle 2866-2873.

[68] Karnow, *Vietnam: A History*, 646.

[69] Olson and Roberts, *Where the Domino Fell*, 226; Sheehan, *A Bright Shining Lie*, 741; Michael Lind, *Vietnam, the Necessary War: A Reinterpretation of America's Most Disastrous Military Conflict* (New York: Free Press, 1999), 22; Sorley, *A Better War*, 289.

process of alleging war crimes. Revisionist historians often argue that soldiers who reported atrocities, especially those who were involved in group activism like that of the Vietnam Veterans Against the War, were merely seeking to replace the comradeship they formerly felt with fellow soldiers in Vietnam, or were seeking to assuage the guilt they felt for their roles during the war.[70] However, this assertion not only assumes that men who felt these things could not be honest about their experiences, it also denigrates the emotional struggles that many soldiers endured after returning to the United States. The most commonly understood phenomenon related to this psychological struggle is Post-Traumatic Stress Disorder (PTSD), which afflicts individuals exposed to terrifying ordeals, including witnessing harm to others. The U.S. Department of Veterans Affairs estimates that thirty-one percent of Vietnam veterans, eleven percent of Afghanistan veterans, and twenty percent of Iraq war veterans suffer from PTSD.[71] These figures are especially important in light of psychological studies of veterans after the end of the Vietnam War.

In studies funded by the National Institute of Mental Health and the Veterans Administration, Ellen Frey-Wouters and Robert S. Laufer found that twenty-two percent of respondents witnessed abusive violence in Vietnam, while another nine percent admitted participating in it.[72] Veterans who witnessed abuse indicated that it left persistent, troubling memories.[73] Witnesses also reported varying responses when confronted with atrocities in progress: twenty-six percent felt that it was pointless to intervene even when they believed that

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[70] Lewy, *America in Vietnam*, 319; Burkett and Whitley, *Stolen Valor*, 152; Woodruff, *Unheralded Victory*, 299.

[71] "Feature: Post Traumatic Stress Disorder PTSD: A Growing Epidemic / Neuroscience and PTSD Treatments," U.S National Library of Medicine, accessed August 04, 2014, http://www.nlm.nih.gov/medlineplus/magazine/issues/winter09/articles/winter09pg10-14.html.

[72] Ellen Frey-Wouters and Robert S. Laufer, *Legacy of a War: The American Soldier in Vietnam* (Armonk, NY: M.E. Sharpe, 1986), 10.

[73] Frey-Wouters and Laufer, *Legacy of a War*, 59-61.

they should have. Another fourteen percent claimed that they took some action to stop abuse, but that it continued regardless of their efforts.[74] PTSD among Vietnam veterans is most often understood as deriving from fear resulting from their experiences in combat, whether from seeing friends killed, or witnessing abuse of enemy prisoners or Vietnamese civilians. However, elements of guilt also play a role in determining GIs response to atrocities that they witnessed. Joanna Bourke contended that soldiers' insistence that they remained moral, causal agents despite being trained to obey orders without question was a defensive response because it allowed the men to feel guilt.[75] These twinges of morality allowed individual GIs to feel human, retaining their own moral identities while continuing to serve in the Army.[76]

Along with feelings of alienation, this landscape of morality is critical to understanding how and why soldiers reported atrocities during the Vietnam War, but it is not limited to the experience of Vietnam. The emotional conflict that soldiers face in war, particularly during unconventional wars, had more immediate relevance in the first two decades of the twenty-first century as the United States embarked on a pair of long wars in distant locales among peoples whose culture, religion, language, and lifestyles varied widely from American norms. Once again, American servicemen and women face the challenge of reconciling their perceptions of themselves as good people while being called upon to do horrible things to protect themselves, their comrades, and their country. The recent American wars have led to the beginnings of a new concept of how warfare affects soldiers. Referred to as "moral injury" by psychologists working with the Department of Defense, this poorly understood phenomenon differs from Post-

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[74] Frey-Wouters and Laufer, *Legacy of a War*, 10.
[75] Bourke, *An Intimate History of Killing*, 227.
[76] Bourke, *An Intimate History of Killing*, 361-362.

Traumatic Stress Disorder, which is related to soldiers' fears, in that it deals with the conflict between soldiers' moral beliefs and the actions they took during their combat service.[77]

As I will demonstrate, many of the soldiers who reported atrocities during the Vietnam War expressed the same concerns over how to reconcile their morals, even their conceptions of themselves as good people, with the actions they took (or did not take) during the war. These concerns often influenced their decision to report American war crimes they observed, and informed the avenues they took to report atrocities. Although revisionist historians like Guenter Lewy have cited the cathartic process soldiers described when they reported atrocities, especially in group settings like the Winter Soldier Investigation, these examples may provide a way in which to examine the problem of moral injury in a less immediate and emotionally charged environment.[78] As such, it is important to past, current, and future veterans to analyze these issues carefully. Not only does this provide a more nuanced understanding of a critical juncture in American history, but it may also help address soldiers' mental health issues in the future.

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[77] The Armed Forces Health Surveillance Center reported that mental health issues were the most prevalent reason for medical evacuations from Iraq and Afghanistan from 2001 to 2012. David Wood, "'I'm A Good Person And Yet I've Done Bad Things'," *The Huffington Post*, March 20, 2014, accessed March 21, 2014, http://projects.huffingtonpost.com/moral-injury.

[78] Lewy, *America in Vietnam*, 319.

CHAPTER 2

THE TURNING POINT – MY LAI

"*The American soldier in officially sanctioned wrath is a thing so ugly and dangerous that it would take a Kipling to describe him.*" – *Lt. James H. Blount, Jr.*[1]

On the morning of March 16, 1968, an American infantry company swept into the hamlet of My Lai seeking to destroy everything in its path. At the end of the day, between 300 and 500 unarmed women, children, and old men lay dead, as the troops burned homes, destroyed wells, and killed livestock. Some of the Americans paused in their grim tasks to rape twenty women and girls ranging in age from ten to twenty-eight. Many of the victims were then shot, stabbed, or further brutalized. Few survived the experience.

Not all of the approximately one hundred five soldiers in the company participated; between thirteen and eighteen men raped and killed villagers while most of the others killed livestock, destroyed wells, or burned dwellings.[2] A few wandered off to avoid being forced into the difficult decision of whether to shoot children in cold blood or disobey orders. Some refused direct orders to kill the unarmed villagers. Two or three soldiers offered what little aid and comfort they could to the victims, even if it consisted only of ending the suffering of the grievously wounded. Only Warrant Officer Hugh Thompson and the crew of his OH-23

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[1] James H. Blount, *The American Occupation of the Philippines, 1898-1912* (New York: G.P. Putnam's Sons, 1912), June 28, 2011, accessed March 1, 2014, http://www.gutenberg.org/files/36542/36542-h/36542-h.html.

[2] Charlie Company arrived in Vietnam with one hundred thirty-three men, but had suffered twenty-eight casualties, including five killed, during its first three months in action. Bilton and Sim, *Four Hours in My Lai*, 93.

helicopter actively sought to end the bloodshed, landing their craft between American soldiers and Vietnamese villagers before organizing an evacuation of survivors by circling helicopter gunships. The aircrews reported the massacre at My Lai to their superiors in accordance with U.S. Army regulations. While the aviators were able to eventually halt the massacre, their efforts to report it in hopes of provoking an investigation had little effect due to a determined effort to cover up the massacre at every level from the infantry company to the highest echelons of the Americal Division.[3]

Forty-five years after it became a public scandal, efforts to understand the My Lai Massacre within the greater context of the Vietnam War continued to vex historians, politicians, and the public, as newspapers published new accounts of atrocities at the same time revisionist historians downplayed them.[4] The large scale of the incident and the whirlwind of media coverage resulting from the courts-martial of Lt. William Calley and Capt. Ernest Medina ensured that My Lai became a focal point of the public debate on the war. Americans who held antiwar views generally argued that the massacre showed why the United States should end the war in Vietnam. Significant proportions of the antiwar movement contended that the massacre was a reflection of American policies and tactics, and not an isolated incident. Supporters of the war, on the other hand, often blamed atrocities on the villagers for not leaving areas controlled by the Viet Cong; some doubted that the massacre even occurred. Conservatives also argued that while atrocities by American troops represented an aberration, they were the formal policy of

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[3] United States., Department of the Army., *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, by W. R. Peers, vol. 1 (Washington, D. C.: Dept., 1970), 294.
[4] Turse, *Kill Anything That Moves*, 19.

their Communist opponents.[5] Sixty-five percent of Americans polled by *Time* viewed the incident as an unfortunate reality of war, and prosecuting soldiers as unwarranted demonization of men fighting an elusive foe. Fifty-five percent believed that Calley was just a scapegoat.[6]

Despite the controversy surrounding My Lai during the war – extensive media coverage, Congressional hearings, official army investigations into the cover-up, and several courts-martial – historians of the war often give the incident short shrift. Authors most often portray the massacre as a unique example of poor leadership and poor discipline that resulted in renewed training and Rules of Engagement and reinvigorated the antiwar movement.[7] However, this approach deprives My Lai of much of its explanatory power. The massacre encompasses in a single event nearly the full range of American soldiers' responses when confronted with atrocities during the Vietnam War. For that reason My Lai's importance extends beyond simply explaining the inevitable outcomes of American policy and tactics in Vietnam, or soldiers' reactions when faced with culturally dissimilar opponents like the Vietnamese. The massacre's aftermath was a watershed for atrocity reporting – Ron Ridenhour's decision to report the slaughter to Congress encouraged GIs to contact their own representatives or the media about war crimes in Vietnam.

Because of the large scale of the massacre, both in terms of civilian casualties and the number of Americans present, My Lai provides the best entrepôt for examining why soldiers chose to avoid, stop, or report atrocities they witnessed. The wide range of methods soldiers used

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[5] Oliver, *The My Lai Massacre*, 67.
[6] Oliver, *The My Lai Massacre*, 81.
[7] Please see the introduction for a comprehensive historiography of My Lai. Belknap, *The Vietnam War on Trial,* 18-36; Bilton and Sim, *Four Hours in My Lai*, 79; Bourke, *An Intimate History of Killing,* 166; Olson and Roberts, *Where the Domino Fell,* 224-226; Karnow, *Vietnam: A History.* 30, 482; Sheehan, *A Bright Shining Lie*, 688-690; Sorley, *A Better War*, 294; Burkett and Whitley, *Stolen Valor*, 138; Woodruff, *Unheralded Victory*, 243-248.

to report the massacre suggests a framework for examining other atrocity reports by American troops during Vietnam. It also represents a turning point: after My Lai, soldiers became increasingly motivated to report atrocities they witnessed in Vietnam. After My Lai, a significant minority of soldiers chose to report atrocities through a variety of channels depending on their level of faith in the U.S. Army and the federal government. The more disgruntled soldiers became, the more public their revelations of atrocity. As a case study, My Lai exemplifies nearly all the possible reactions soldiers had when faced with an atrocity, both during the incident and afterward.

The Assault

What Capt. Ernest Medina, commander of Charlie Company, 1st Battalion, 20th Infantry, said at the briefing for his company's assault on My Lai to engage the 48th Local Force Battalion remains a matter of contentious debate.[8] Some of the men present claimed that Medina explicitly said to kill everyone in the hamlet, to shoot all of the livestock, to destroy all of the wells, and to level all of the buildings because everyone in My Lai was a member of the Viet Cong or a Viet Cong sympathizer.[9] Others argued that it was clear that Medina did not order his men to kill women and children, though a few understood why his briefing confused some of his men because Medina insisted that all of the women and children would be at the market during the

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[8] Comprehensive accounts of the My Lai massacre and the courts-martial that followed are available in Bilton and Sim, *Four Hours in My Lai*; Olson and Roberts, *My Lai: A Brief History with Documents*.

[9] Intelligence reports indicated that the women and children who lived in My Lai would be at the market the morning of March 16th. *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 26, 4 (1970) (testimony of Dennis Bunning); Olson and Roberts, *My Lai: A History with Documents*, 20; 9 United States., Department of the Army., *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, by W. R. Peers, vol. 1 (Washington, D. C.: Dept., 1970), 86.; *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 26, 535 (1970) (testimony of Thomas Partsch); *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 26, 351 (1970) (testimony of Larry Polston).

attack. Anyone left in the hamlet was presumably VC, so his men should kill any living thing they came across while destroying the village.[10]

Three major incidents are critical to understanding the crimes that occurred at My Lai. In the first incident, Dennis Conti and Paul Meadlo gathered a group of at least twenty-five civilians, whom they guarded until an officer could screen them. When Calley returned, he ordered the pair to "take care of them" because Medina was pressuring him to get his men through My Lai more quickly.[11] Conti and Meadlo assumed that Calley meant to continue watching their prisoners, but an irritated Calley reappeared to ask why they had not taken care of the villagers. Confused, Meadlo told his commanding officer that they were following his orders by watching them.[12] Calley told them that he wanted the Vietnamese killed, and ordered them to form a firing line about ten feet from the group Meadlo and Conti were guarding. When Calley ordered them to fire, Conti watched the tree line rather than use his M-79 grenade launcher on the civilians. After firing a third magazine of ammunition into the group, Meadlo began to cry and handed his rifle to Conti, telling him "If they are going to be killed, I'm not doing it. Let him do it."[13]

The second incident helps explain why Lt. William Calley was the only person convicted for his actions at My Lai. Calley Conti, Meadlo, and Ronald Grzesik progressed through My Lai to a drainage ditch where a group of solders guarded between forty and fifty villagers captured during their sweep. The prisoners included women, an elderly Buddhist monk, infants, toddlers,

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[10] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 24, 319 (1970) (testimony of Dennis Conti).

[11] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 24, 319 (1970) (testimony of Dennis Conti).

[12] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 24, 319 (1970) (testimony of Dennis Conti).

[13] Bilton and Sim, *Four Hours in My Lai*, 120.

and older children. Several of the soldiers, including Grzesik, who spoke some Vietnamese, questioned them, but were unable to find out where the Viet Cong had gone. Frustrated at the monk's replies that there were no VC or weapons in My Lai, Calley pushed him to the ground near a sick woman he had been attending, and shot them both.[14]After arriving troops escorted more noncombatants to the ditch, Calley ordered his men to kill the Vietnamese they had gathered. Some soldiers hesitated or refused, but Calley and Meadlo started shooting, soon joined by a squad that formed a firing line.[15]

The third incident eventually led to the end of the violence in My Lai. Angered and confused by the large number of civilian deaths he saw on the ground, when Hugh Thompson saw soldiers moving toward a group of Vietnamese hiding in a bunker, he decided to take action. Landing his helicopter, he told his door gunner Larry Colburn to cover him closely, and to fire on Charlie Company if any of them started shooting the Vietnamese in the ditch. Confronting Calley, who told him it was none of his business, Thompson called the helicopter gunships that accompanied him to evacuate wounded villagers from the area. The killing at My Lai subsided only after Thompson contacted his commanding officer, Maj. Fred Watke, to complain about indiscriminate killing during the operation. When word of Thompson's claims reached Lt. Col. Frank Barker, he ordered a ceasefire.[16]

None of the soldiers on the ground at My Lai intervened in the rape and killing around them, even when it repulsed them, and they had no means of reporting the massacre while in the

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[14] Bilton and Sim, *Four Hours in My Lai*, 121-123; Belknap, *The Vietnam War on Trial*, 70-73.

[15] Bilton and Sim, *Four Hours in My Lai*, 121-123; Belknap, *The Vietnam War on Trial*, 70-73 *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 24, 319 (1970) (testimony of Dennis Conti).

[16] Comprehensive accounts of the courts-martial that followed My Lai are available in Bilton and Sim, *Four Hours in My Lai*; Olson and Roberts, *My Lai: A Brief History with Documents*; Belknap, *The Vietnam War on Trial*.

field. Although the focus of this study is soldiers reporting atrocities, it is instructive to examine why GIs failed to intervene even when they were not active participants because some of their reasoning also influenced whether they would ultimately report the incident. Fear was the deciding factor keeping soldiers like Dennis Bunning and Michael Bernhardt from trying to stop the violence. Regardless of what happened at My Lai, they had already learned that in order to survive their tours of duty they had to keep the faith with their comrades.[17] Dennis Bunning learned this the hard way; he had used his large size to stop other soldiers from raping Vietnamese women, stopping only when five members of the company confronted him, saying that, "If you don't leave us alone, we'll kill you."[18] Bernhardt, who transferred to Charlie Company shortly before it left Hawaii for Vietnam, was especially alienated from the other soldiers.[19] He had a radically different military background and outlook from Charlie Company's other soldiers.

A by-the-book soldier, Bernhardt had attended LaSalle Military Academy as a youth, and had gone to summer camps where Green Berets conducted military training.[20] Bernhardt understood his status as an outsider within Charlie Company. The group's rules were the most important ones for his survival – not the Laws of Land Warfare or the Geneva Convention. Losing his comrades' trust put a soldier's life in even more danger than it already was in in

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[17] Bourke, *An Intimate History of Killing*, 186-187.

[18] "Archive Hour: The My Lai Tapes," BBC News, March 17, 2008, accessed October 28, 2013, http://news.bbc.co.uk/player/nol/newsid_7290000/newsid_7297500/7297553.stm; "DocArchive: The My Lai Tapes - Part Two," VoiceBase, accessed October 28, 2013; http://www.voicebase.com/voice_file/public_detail/26744/refine/%22dennis+bunning%22; *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 26, 4 (1970) (testimony of Dennis Bunning).

[19] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 25, 300 (1970) (testimony of Michael A. Bernhardt); Bilton and Sim, *Four Hours in My Lai*, 19; Article 32 hearing, pg. 102.

[20] Bilton and Sim, *Four Hours in My Lai*, 55.

combat, and those who did not participate in atrocities, or who tried to stop them, lost the loyalty and trust of the company. Because he joined the unit late, Bernhardt worked to avoid antagonizing the rest of the company.[21] As we will see, fears of retribution and isolation were common among soldiers who waited to allege atrocities until after they left Vietnam.

A small group of soldiers who refused direct orders to shoot civilians came the closest of anyone in the company to intervening in the massacre. Refusing an order was a tricky proposition under the best of circumstances given the U.S. Army's focus on training its soldiers to obey all orders without hesitation or face terrible consequences. During Basic Training and Advanced Individual Training (AIT), drill instructors taught soldiers to immediately obey orders as a mechanism for saving lives and enhancing efficiency in combat, but they also drilled into soldiers the official, legal consequences of disobeying or refusing orders – court-martial, prison, or summary execution.[22] Paul Meadlo typified the soldier who believed that he did not have to the right to disobey orders. In his testimony before the Peers Commission, Meadlo claimed that he was not aware that he had the right to refuse illegal orders.[23] When asked why he shot the villagers, Meadlo testified that he believed that if he had refused to shoot the villagers when Calley ordered him to, that he could have spent his life in prison or that Calley could have summarily executed him on the spot.[24]

Despite the emphasis their training gave to following orders, several Charlie Company

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[21] Bilton and Sim, *Four Hours in My Lai*, 79-80.

[22] Belknap, *The Vietnam War on Trial*, 43; "Complete Transcript, My Lai," WGBH: The American Experience, accessed October 01, 2013, http://www.pbs.org/wgbh/americanexperience/features/transcript/mylai-transcript/.

[23] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 25, 72 (1970) (testimony of Paul Meadlo).

[24] Olson and Roberts, *My Lai: A Brief History with Documents*, 187; *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 25, 72 (1970) (testimony of Paul Meadlo).

soldiers refused directives to shoot unarmed civilians. The most striking examples of this behavior came at the infamous ditch where Calley and a squad of soldiers executed dozens of Vietnamese villagers. When Calley ordered Robert Maples to load his M-60 machine gun and shoot them, Maples refused, throwing down his weapon. Calley turned his rifle on Maples, but other soldiers prevented Calley from taking further action by moving to stand between them.[25]

Harry Stanley, Maples' assistant machine gunner, also rejected Calley's order to kill civilians, arguing that their mission was to fight a strong, armed enemy force. His refusal also produced a threat from Calley, who jammed his rifle into Stanley's abdomen and threatened to kill him on the spot for disobeying an order in combat. Stanley drew his sidearm, and told Calley "We all going to die here anyway. I just as soon go out right here and now – but I ain't killing no women and children."[26] He later argued that ordering him to shoot civilians was "...not an order. That's craziness to me, you know. And so I don't feel like I have to obey that."[27] Stanley clearly felt no requirement to follow immoral orders, but nevertheless made no effort to report the massacre later. This places with most soldiers who served in Vietnam, but his active, aggressive refusal to kill set him apart from GIs who merely tried to blend into the background at My Lai.[28]

Intervention

While Warrant Officer Hugh Thompson is most well known for his role in halting the My

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[25] There is some controversy over Maples' actions, with some accounts indicating that Maples threw down his weapon, and others indicating that he refused to give it to Calley when he wanted to use it on the villagers in the ditch. Bilton and Sim, *Four Hours in My Lai*, 123; Duncan, "What Went Right at My Lai,", 103-104. Belknap, *The Vietnam War on Trial*, 161; *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 25, 66 (1970) (testimony of Robert Maples); *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 31, 527 (1970) (testimony of Harry Stanley); Trent Angers, *The Forgotten Hero of My Lai*, 115.

[26] Trent Angers, *The Forgotten Hero of My Lai*, 116.

[27] Michael Bilton and Kevin Sim, *Four Hours in My Lai*, 19.

[28] Joanna Bourke, *An Intimate History of Killing*, 197-202.

Lai massacre, he was also the first soldier to report the killings to higher authorities. His methods and rationale demonstrate the methods most often followed by soldiers who retained their faith in the Army and its mission in Vietnam. Despite the examples of soldiers refusing to participate in the massacre at My Lai, only Thompson and his aircrew, who were flying over My Lai on a reconnaissance mission, actively worked to stop the violence. The helicopter's plexiglass cockpit provided him a clear view of the high volume of fire from Charlie Company, the large number of bodies on the ground, and most importantly, the lack of enemy troops or weapons. As he flew over My Lai, Thompson's aircrew marked wounded civilians on the ground for medical teams using colored smoke. There were a large number of them, but it was not obvious who injured them. The culprits became obvious when Thompson observed Capt. Ernest Medina, responding to their radioed request for medical assistance, walk up to a wounded woman and shoot her.[29] Concluding that Americans were killing the villagers, Thompson became furious because that was not "his idea of being an American soldier."[30]

After reporting the incident through the other helicopters over My Lai, Thompson asked his aircrew if they were with him. Colburn said that they took the risk because they could not stand aside while men in American uniforms killed children.[31] Moments later Thompson landed near a bunker full of noncombatants because he believed that the troops approaching the cowering Vietnamese were going to kill them. Before landing, he told Brian Livingston and Don

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[29] Angers, *The Forgotten Hero of My Lai*, 114.

[30] "Larry Colburn, My Lai," WGBH: The American Experience, accessed October 1, 2013, http://www.pbs.org/wgbh/americanexperience/features/interview/mylai-colburn/.

[31] "Larry Colburn, My Lai," WGBH: The American Experience; Lawrence Colburn, "Interview - Larry Colburn: Why My Lai, Hugh Thompson Matter," interview by Vietnam Magazine, History Net Where History Comes Alive World US History Online Interview Larry Colburn Why My Lai Hugh Thompson Matter Comments, February 7, 2011, accessed October 1, 2013, http://www.historynet.com/interview-larry-colburn-why-my-lai-hugh-thompson-matter.htm.

Millians, flying the helicopter gunships, that if the soldiers below them did not stop, he was going to fire on them.[32]

Getting out of the helicopter, Thompson ordered Colburn to shoot the Americans if they fired at the civilians. When he asked Lt. Calley for assistance in getting the Vietnamese out of the bunker, Calley replied that the only way to get them out of there was with a grenade.[33] During the resulting argument, Thompson informed Calley that his crew would remove the civilians and return any fire directed on the civilians.[34] Irate, Calley told Thompson that he was in charge of the battlefield, and that it was just too bad if he did not like the way he ran things.[35] Desperate to save the civilians, Thompson convinced the reluctant crews of the orbiting helicopter gunships to land to evacuate a dozen Vietnamese. Pilot Don Millians had difficulty articulating why they rescued the civilians, saying that, "I don't know why we did it, other than the fact that those people needed to be out of there."[36] The other pilots of the 123rd Aviation Battalion liked and respected Thompson because he always took his share of the risks in combat. Their shared experience told them that he would only make such a bizarre request if the need were dire, so they agreed to help.[37] In many respects, the pilots' behavior was the mirror image of the

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32 Livingston's helicopter had both UHF and FM radios that allowed it to communicate with soldiers on the ground, while Thompson and Millians only had the means to communicate with other aircraft or aviation ground stations. *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 7, 75 (1970) (testimony of Don Millians).

33 *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 6, 4 (1970) (testimony of Jerry Culverhouse).

34 *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 8, 227 (1970) (testimony of Fred Watke); *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 7, 75 (1970) (testimony of Don Millians).

35 Calley had a reputation among his own men of needing to be in charge of the situation at all times, and that recognition of his status as an officer was very important to him. *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 31, 103 (1970) (testimony of Isaiah Cowan).

36 "Complete Transcript, My Lai," WGBH: The American Experience.

37 *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II,

infantrymen confronted with atrocities. In this case, the group followed a peer's decision to save people out of respect rather than acquiescing to murder out of fear.

Thompson understood what was happening at My Lai through two lenses: as an American, and as a soldier.[38] What he saw happening at My Lai did not conform to his conception of either category. Thompson believed in both the Army and his mission in Vietnam, so when he saw Charlie Company murdering civilians below him it infuriated him: "Here we were supposed to be the good guys in white hats, but we were killing innocent people."[39] Stopping the massacre was so important to Thompson that he later claimed that "We didn't have any choice" but to aim weapons at other Americans to stop the massacre.[40] Although he was convinced that he would spend the rest of his life in prison, Thompson saw threatening the infantry advancing on the bunker as the only way "to end the madness."[41]

His understanding of what it meant to be a soldier was Thompson's most frequent explanation for intervening at My Lai, and his position as a pilot made it easier for him to choose to intervene. Once it became clear that no one was going to start shooting when he evacuated the civilians from the bunker, his main concern was that he might spend the rest of his life in prison, but he was not going to watch more civilians die.[42] Thompson believed that "What we did was

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Book 5, 501 (1970) (testimony of Larry Colburn); *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 6, 4 (1970) (testimony of Jerry Culverhouse); *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 7, 75 (1970) (testimony of Don Millians); Angers, *The Forgotten Hero of My Lai*, 127-128.

[38] "Larry Colburn, My Lai," WGBH: The American Experience.

[39] Michael Bilton and Kevin Sim, "My Lai: A Half-told Story," *The Sunday Times Magazine*, April 23, 1985, 28-29, accessed October 1, 2013.

[40] "The Lessons of Vietnam," interview by Tim Sebastian and Hugh Thompson, Jr., BBC News - Hardtalk, May 26, 2004, accessed October 30, 2013, http://news.bbc.co.uk/2/hi/programmes/hardtalk/3750481.stm.

[41] Hugh Thompson, Jr. and Trent Angers, "Interview With Hugh Thompson - American Hero Who Stopped My Lai Massacre," interview by Jon Wiener, Internet Archive, February 8, 2000, accessed October 1, 2013, https://archive.org/details/InterviewWithHughThompson-AmericanHeroWhoStoppedMyLaiMassacremp3.

[42] "The Lessons of Vietnam," interview by Tim Sebastian and Hugh Thompson, Jr., BBC News - Hardtalk, May 26,

right. What we did had to be done,"[43] because he was not trained to murder civilians. His only regrets were not intervening sooner and not being able to save more people.[44]

Reporting the Massacre

My Lai's aftermath provides important insights into the various methods soldiers employed when they decided to report atrocities, as well as many of the reasons they chose specific venues. In the 11th Brigade, as elsewhere, soldiers' choice of a reporting mechanism appears to bear a close correlation to the amount of faith they placed in the institution of the Army. The men who believed that the officers they served under would follow proper procedures to investigate the massacre and bring the perpetrators to justice reported atrocities through their local chain of command. The less faith soldiers maintained in the Army's hierarchy, the more likely they were to seek a public forum for their atrocity allegations. Faith in the Army took many forms, but the key elements were the belief that the Army would prosecute war criminals, adopt tactics and strategies to win the war, protect innocent civilians, and generally uphold the service's ideals.

Of all the witnesses at My Lai, the aviators evinced the most faith in Army procedures. Thompson found his commanding officer, Maj. Fred Watke, immediately after landing to report the situation in My Lai, focusing on civilian casualties and his confrontation with Calley.[45]

2004, accessed October 30, 2013, http://news.bbc.co.uk/2/hi/programmes/hardtalk/3750481.stm; Bilton and Sim, "My Lai: A Half-told Story."

[43] Hugh Thompson, Jr., "Moral Courage in Combat: The My Lai Story," Lectures: Stockdale Center for Ethical Leadership, accessed October 1, 2013, http://www.usna.edu/Ethics/publications/lectures.php.

[44] "Larry Colburn, "My Lai," WGBH: The American Experience.

[45] When discussing My Lai with his platoon leader, Barry Lloyd, Thompson threatened to turn in his wings rather than participate in a similar operation again. *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 5, 501 (1970) (testimony of Larry Colburn); *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 8, 55 (1970) (testimony of Hugh Thompson); Angers, *The Forgotten Hero of My Lai*, 132.

Thompson was extremely angry about the murders. When Watke tried to temporize, Thompson slammed his flight helmet to the tarmac with such force that it cracked and yelled, “If this damn stuff is what’s happening here, you can take these wings right now because they’re only sewn on with thread.”[46] Jerry Culverhouse, who had flown in a gunship over My Lai, told Watke they received no ground fire over My Lai, but the carnage was unlike anything he had ever seen.[47] He reported between 150-200 bodies in the irrigation ditch, filling it for a distance of twenty-five yards. The pilots also reported seeing the infantry kill an unarmed woman who was trying to avoid them.

For his part, Watke understood that operations in My Lai had gone very wrong because it was quite dangerous for gunships to land in order to extract civilians. Despite this reality, and though his pilots insisted that they had witnessed extremely high levels of civilian casualties, Watke downplayed their reports of large numbers of dead civilians. He believed their inexperience and Thompson’s excitable nature led them to exaggerate the number of bodies. When he presented the report to Task Force Barker’s commanding officer Lt. Col. Frank Barker half an hour later, Watke did not make sure that Barker understood how many dead civilians his pilots had seen.[48]

Thompson and Colburn also reported the civilian casualties to 11th Infantry Brigade

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[46] Hugh Thompson, Jr. and Ron Ridenhour, "Heroes of My Lai" (lecture, A Conference on the 25th Anniversary of the My Lai Disclosure, Tulane University, New Orleans, December 1, 1994), accessed October 1, 2013, http://law2.umkc.edu/faculty/projects/ftrials/mylai/myl_hero.html; "The Lessons of Vietnam," interview by Tim Sebastian and Hugh Thompson, Jr., BBC News - Hardtalk, May 26, 2004; Richard Goldstein, "Hugh Thompson, 62; Saved Civilians at My Lai," The New York Times, January 07, 2006, accessed October 01, 2013, http://www.nytimes.com/2006/01/07/national/07thompson.html?_r=0; Lawrence Colburn, "Interview - Larry Colburn: Why My Lai, Hugh Thompson Matter," interview by Vietnam Magazine.

[47] "Complete Transcript, My Lai," WGBH: The American Experience.

[48] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 8, 227 (1970) (testimony of Fred Watke).

commanding officer Col. Oran Henderson, informing him about the incidents at My Lai.[49] Colburn specifically mentioned Medina shooting the unarmed woman for whom the helicopter crew had sought medical attention.[50] Thompson also discussed his concerns about My Lai with the battalion's chaplain, Capt. Carl Cresswell. Exhibiting the same faith Thompson held in the Army's hierarchy, Cresswell promised to report Thompson's allegations of war crimes to his own superiors. The next day, the priest contacted the Division chaplain, Lt. Col. Lewis, regarding Thompson's allegations of war crimes at My Lai. Like Thompson, Cresswell threatened to leave the Army, insisting that if "there was not going to be an investigation into these charges I was going to resign my commission."[51] Within two weeks, Lewis informed Cresswell that the Division was investigating Charlie Company's actions at My Lai.[52]

By reporting their war crimes allegations through the chain of command, Thompson, Millians, Colburn, and Cresswell followed regulations of the U.S. Army, MACV, and the Americal Division. They all believed that they could trust the Army's hierarchy to properly investigate what happened at My Lai and to punish those responsible. After making his formal report to Watke and Henderson, Thompson believed that he had fulfilled his duty in reporting potential war crimes. The brief interview with Henderson led him to believe that the Brigade was taking his allegation seriously.[53] That he did not hear anything further about the investigation did

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[49] Thompson and Ridenhour, "Heroes of My Lai."

[50] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 5, 501 (1970) (testimony of Larry Colburn); Angers, *The Forgotten Hero of My Lai*, 135; Thompson and Ridenhour, "Heroes of My Lai."

[51] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 1, 531 (1970) (testimony of Carl Cresswell).

[52] Angers, *The Forgotten Hero of My Lai*, 134; *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 1, 531 (1970) (testimony of Carl Cresswell); Hersh, *Cover-Up*, 37.

[53] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II,

not change his opinion. Not only did Thompson have faith that the Army would follow its own procedures, but since the 123rd Aviation Battalion's base was sixty miles from Task Force Barker at LZ Dottie, he was not surprised he did not hear about an on-going investigation.[54] Both Thompson and Colburn expected that an Army investigation would bring justice, so they never planned to contact anyone outside the military to expose the massacre. The Peers Commission investigation especially led Colburn to believe that "there were people sincere about upholding the Uniform Code of Military Justice."[55] Like Thompson, Cresswell reported the atrocities at multiple levels in the Americal Division, taking his concerns both to the 11th Brigade and Americal Division chaplains to initiate an investigation. Although the Peers Commission criticized Creswell for not ensuring that a proper investigation occurred, he spoke to the other chaplains several times before they told him that they had turned the reports over to the respective Chiefs of Staff. At that point, Creswell let the matter drop, believing a proper investigation was underway because he "had a tremendous faith in the Army at that point. In that particular instance, that faith was not justified. Certain people decided not to deal with it."[56] The Army let down the career officer who tried to do the right thing, leading him to resign his commission after the end of his tour of duty because he came to believe that the Army did not think it was possible for a GI to murder a Vietnamese civilian.[57]

Fred Watke also assumed his professional and legal responsibilities fulfilled by taking Thompson's allegations of atrocities at My Lai to 123rd Aviation Battalion commanding officer

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Book 8, 55 (1970) (testimony of Hugh Thompson).

[54] Thompson and Ridenhour, "Heroes of My Lai."

[55] Colburn, "Interview - Larry Colburn: Why My Lai, Hugh Thompson Matter," interview by Vietnam Magazine.

[56] Bilton and Sim, "My Lai: A Half-told Story," 34.

[57] Hersh, *Cover-Up*, 37.

Lt. Col. John Holladay and TF Barker commander Frank Barker. The two aviators believed that the Americal Division conducted a proper investigation because Watke met several times with Brigadier General George Young, the Assistant Division Commander, about his pilots' allegations of civilian deaths at My Lai.[58] Combined with Cresswell's report, it seemed reasonable for people with faith in the Army to assume that a proper investigation was underway. The aviators' assumption that the authorities would conduct a proper investigation greatly contrasted with the expectations of the enlisted men on the ground who had witnessed increasing brutality by members of Charlie Company against noncombatants with no consequences.

Even the soldiers who refused direct orders to shoot made no effort to report what had happened. Fear that reporting atrocities would make them targets for revenge ensured that most of Charlie Company's soldiers remained silent.[59] Dennis Bunning had experience with threats on his life after he stopped several soldiers from raping Vietnamese women, and Michael Bernhardt claimed that Capt. Ernest Medina told him, "Bernhardt, you better keep your mouth shut about this buddy."[60] Bernhardt found himself further isolated from the other soldiers in his platoon. Medina kept him in the field as much as possible and refused transfers to limit his chances of reporting the atrocities at My Lai. In addition to these restrictions, Bernhardt got the most hazardous duties, including walking point through dangerous terrain.[61] It took hospitalization for advanced fungal infection to get Bernhardt out of the field before his rotation home.

If anyone had motive and opportunity to report the massacre, it was Ron Haeberle and

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[58] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 8, 227 (1970) (testimony of Fred Watke).

[59] Bilton and Sim, *Four Hours in My Lai*, 79-80; *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 26, 4 (1970) (testimony of Dennis Bunning).

[60] Thompson and Ridenhour, "Heroes of My Lai."

[61] Thompson and Ridenhour, "Heroes of My Lai."

Jay Roberts, assigned to the 11th Brigade Public Information Office (PIO). Their justifications for failing to report the killings typify the pressures that many soldiers faced when deciding whether to report atrocities. Haeberle, a photographer, witnessed many of the murders at My Lai, taking pictures of Charlie Company and its victims with the color film in his personal camera, saving the monochrome film in his Army-issued camera for more mundane photos in the village. At the Public Information Office, he mentioned that some women and children were killed, but left out the details. The PIO was using Ernest Medina's inflated body count of 128 Viet Cong killed in action to paint Charlie Company's assault on My Lai as a great victory, and Haeberle had already learned that his boss, Sgt. Stanich, tended to destroy photos, like those of burning huts, that cast the Army in a bad light.[62] The officers were no better than the NCOs in this regard. Capt. Moody, the battalion PIO, instructed the staff only to take "newsworthy" photos that showed positive results like a soldier helping a child, or that officers could include in their scrapbooks when they left Vietnam.[63]

The members of the Peers Commission aggressively questioned Haeberle about his failure to report the massacre, and he told them he did not think that he could confide in anyone in the brigade.[64] Not only was the massacre a psychological blow because it was hard for him to believe that Americans would rape and murder an entire village, but he did not think anyone would believe it. He had never met any of the Division-level PIO staff, and did not believe that the staff officers would be open to hearing atrocity allegations from a junior enlisted soldier

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[62] Hersh, *Cover-Up*, 53.
[63] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 11, 386 (1970) (testimony of Ron Haeberle).
[64] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 11, 386 (1970) (testimony of Ron Haeberle).

because the information ran counter to all of their conceptions of the Army's moral and ethical codes.[65]

Accompanying Haeberle that day on his first combat assignment, Army journalist Sgt. Jay Roberts found that no one in the PIO was interested in a story about murdered civilians, so he wrote the positive story his superiors wanted.[66] Roberts was unhappy about the quality of the story he got by going to My Lai, and was disturbed by what actually happened. His goal in going on the combat assault with Charlie Company was to write a story about American heroics in combat. What he actually found were mopping up operations, during which he and Haberle witnessed several atrocities, and saw a large number of bodies. Despite that, he did not ask Medina about the killings when he interviewed him for his newspaper article. Even on his first assignment, Roberts was well indoctrinated about what to report. Sgt. Stonich, the NCO in charge of the PIO, made it clear that their job was to produce a morale-boosting newspaper that would help soldiers identify with their units. That goal precluded any focus on the negative aspects of the war. The general attitude in the PIO was that they should quietly do their jobs and not cause any trouble.[67]

The disparity between what he felt about the massacre and the demands of his job bothered Roberts. He did not have enough information to write the heroic story his superiors expected, and he could not use what he had seen. When it came time to write it up he asked his supervisor, Lt. Dunn, how to write something that would not make the United States look bad.

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[65] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 11, 386 (1970) (testimony of Ron Haeberle).

[66] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 14, 126 (1970) (testimony of Jay Roberts).

[67] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 14, 126 (1970) (testimony of Jay Roberts).

Dunn told him just to write something, and that he would help him. Ultimately, Roberts followed the example provided by Dunn's report to the Division PIO by producing a dry account that relied on the facts Medina reported – one hundred twenty-eight enemy killed in action and three recovered weapons.[68]

Haeberle and Roberts decided not to report the atrocities they saw. Neither was aware of MACV regulations requiring soldiers to report potential war crimes, so they did not view their actions as a dereliction of duty.[69] Fear also played a role in Haeberle and Roberts' decision not to report My Lai through their chain of command despite understanding that they witnessed something horrible. With Haeberle's photos, they had very damaging evidence of mass murder by American troops, but they decided that they could not break the story because they were part of it. If Charlie Company's troops "knew we had ratted, broke the story – something could have happened to one of the people in the public information office."[70] Roberts and Haeberle did not receive direct threats, but they assumed anyone who reported atrocities at My Lai was in danger.

The men of Charlie Company also decided not to report what happened at My Lai. Their reasoning provides critical insights into the decision-making process that many soldiers seemed to follow when deciding to report atrocities – GIs who elected to make war crimes allegations to Congress, in the media, or at hearings reported similar feelings and concerns. Many were unaware of MACV directive 20-4 requiring them to report suspected war crimes, but they likely

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[68] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 14, 126 (1970) (testimony of Jay Roberts).

[69] Ronald Haeberle and Aubrey Daniels, "Lt. William Calley Court-martial: Testimony," Famous American Trials: The My Lai Courts-Martial, accessed October 01, 2013; *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 14, 126 (1970) (testimony of Jay Roberts). http://law2.umkc.edu/faculty/projects/ftrials/mylai/Myl_thabe.htm.

[70] Bilton and Sim, "My Lai: A Half-told Story," 33.

would not have done so anyway.[71] The company's men believed that there was nowhere to report potential war crimes because their leaders ignored abuses of noncombatants by their men – Sgt. Esequiel Torres beat an old man before hanging him without rebuke, while Calley shot a defenseless old farmer whom PFC Herbert Carter threw down a well after interrogating him.[72] Company commander Ernest Medina allowed his men to use prisoners as human mine detectors and beat prisoners in front of his troops during interrogations.[73] Bernhardt's impression was that as far as Medina was concerned, any Vietnamese who "didn't wear a uniform was a VC…He was pissed off at the people and had no respect for them."[74]

Most of the men inclined to report atrocities already believed that My Lai was being investigated because Ernest Medina told several of them that there would be an investigation, and not to discuss My Lai among themselves until after the investigation was over.[75] Waiting for a substantial investigation prevented James Dursi from reporting the atrocities he had seen. A thorough investigation was the only chance he thought he would get to describe what happened to a responsible party because the only other option was to prefer charges through his chain of

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[71] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 25, 117 (1970) (testimony of Gregory Olsen); *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 25, 72 (1970) (testimony of Paul Meadlo); *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 26, 351 (1970) (testimony of Larry Polston); *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 26, 535 (1970) (testimony of Thomas Partsch).

[72] Bilton and Sim, *Four Hours in My Lai*, 79; Seymour Hersh, "My Lai 4: A Report on the Massacre and Its Aftermath," *Harper's*, May 1970, 61.

[73] Belknap, *The Vietnam War on Trial*, 56.

[74] Hersh, "My Lai 4: A Report on the Massacre and Its Aftermath," 58.

[75] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 23, 381 (1970) (testimony of Ernest Medina); *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 25, 117 (1970) (testimony of Gregory Olsen); *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 26, 371 (1970) (testimony of Lawrence La Croix); *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 26, 535 (1970) (testimony of Thomas Partsch).

command – the very officers involved in the massacre. Dursi knew he was not blameless at My Lai because he had fired at a fleeing individual early in the day, killing a young woman and her baby, but he still wanted an investigation.[76] Personal concerns kept other soldiers from reporting the atrocities at My Lai, even when they had refused to kill. Dennis Conti, who disobeyed Calley's order to help Meadlo kill the civilians they were guarding, believed that a deep sense of shame for their actions, or inaction, kept his fellow soldiers from reporting the murders and rapes that occurred at My Lai.[77] Fred Widmer, who killed two seriously wounded children at My Lai to end their suffering, shared Dursi's sense of shame, telling reporters "after it was over, everybody knew it was wrong. The damage was already done – it was too late." Like others, his inability to stop the violence troubled Widmer. He wondered: "What prevented me from saying 'No!'? That's not what I was trained to do."[78]

A significant barrier prevented Bernhardt and the rest of Charlie Company from reporting atrocities. Most soldiers did not know how to report war crimes at the Brigade or Division level, much less to the MACV hierarchy in Saigon. The company received visits from Lt. Col. Frank Barker and Brigade commander Oran Henderson, both of whom seemed more interested in how their soldiers reacted to the killings at My Lai than in gathering information about the massacre. Their cursory investigation showed Bernhardt that officers at the brigade and battalion level knew about My Lai, but were doing nothing about it. From his isolated posting in Charlie Company, Bernhardt never had an opportunity to see anyone outside the 11th Brigade, preventing

[76] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 24, 462 (1970) (testimony of James Dursi).

[77] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 24, 319 (1970) (testimony of Dennis Conti). Conti was probably speaking from personal experience since his attempt to force oral sex from a Vietnamese girl at My Lai was interrupted by Lt. Calley.

[78] Bilton and Sim, "My Lai: A Half-told Story," 27.

him from reporting the massacre to anyone – as his deliberate isolation by keeping him in the field surely intended.[79]

Even if he had found a way to report My Lai to higher authorities, Bernhardt doubted that anyone would believe reports of such a large massacre. That many people refused to believe that American soldiers could commit such crimes even after Seymour Hersh's exposé and publication of Ron Haeberle's color photographs seemed to support Bernhardt's belief. Haeberle did not take pictures of soldiers in the act of shooting or raping their victims, so it was possible for viewers to question who was responsible. As Bernhardt told the Peers Commission, no film or audio recordings of the massacre existed, which allowed detractors to introduce doubts about what happened.[80] Ultimately, even those soldiers who hoped for an investigation did not expect the Army to do anything about My Lai. Bernhardt and the other enlisted men were more accurate in their expectations of whether justice was in the offing than the aviators.

Both the aviators' belief that the Army would properly investigate the massacre and the infantrymen's certainty that it would not aided the cover-up that began almost immediately after Hugh Thompson first reported atrocities at My Lai to Maj. Watke. The infantry officers involved – primarily Medina, Barker, and Henderson – engaged in a systematic attempt to hide the truth. Their efforts were aided, perhaps unintentionally, by Brigadier General George Young's cursory investigation. Division Civil Affairs Officer, Lt. Col. Charles Anistranski, chose to ignore Vietnamese reports of the atrocity, an act that Lt. Gen. William Peers attributed to concerns that

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[79] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 25, 300 (1970) (testimony of Michael A. Bernhardt).

[80] *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, Vol. II, Book 25, 300 (1970) (testimony of Michael A. Bernhardt).

a major scandal would derail his and Americal CO Gen Samuel Koster's expected promotions.[81]

The cover-up had a serious flaw – it is virtually impossible to prevent soldiers from discussing things that bother them with their friends. Charles Gruver had the horrible events at My Lai in mind when he and Ron Ridenhour met for drinks in Chu Lai. Both men were originally members of the 11th Brigade's Long Range Reconnaissance Patrol (LRRP) Company, but transferred to other units when it disbanded. Gruver headed to Charlie Company, while Ridenhour became a door gunner in the Brigade aviation section. After a lull in the conversation, Gruver asked Ridenhour if he had heard about events in My Lai.[82] Suppression of information within 11th Brigade and the sixty-mile distance between the aviators' base in Chu Lai and the infantry's base at LZ Dottie combined so that Ridenhour did not know what Gruver meant. When pressed, Gruver admitted, "We went in there and killed everybody."[83] As Gruver provided more details, Ridenhour began to suspect that his friend was not exaggerating. Trying to explain his reaction later, Ridenhour called it an epiphany, or "an instantaneous recognition and collateral determination that this was something too horrible, almost, to comprehend and that I wasn't gonna be a part of it. Just simply having the knowledge, I felt, made me complicit, unless I acted on it."[84] Ridenhour used his remaining time in Vietnam to seek the truth about My Lai by looking for former LRRP team members he knew in Charlie Company. The results repulsed him. His friends were voluble on the subject. Most had witnessed or taken part in the massacre – shooting livestock, burning huts, performing mercy killings, or simply following orders to kill,

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[81] "DocArchive: The My Lai Tapes - Part Two," VoiceBase.

[82] Belknap, *The Vietnam War on Trial*, 101; United States., Department of the Army., *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, by W. R. Peers, vol. 1 (Washington, D. C.: Dept., 1970), 16; Pinkville was an army nickname for Son My and the surrounding region because it was colored pink on U.S. Army maps and sympathized with the Viet Cong.

[83] Thompson and Ridenhour, "Heroes of My Lai."

[84] Thompson and Ridenhour, "Heroes of My Lai."

and being asked about it was “like lancing a boil” because they needed the relief of talking about the horrors at My Lai.[85] Michael Terry confessed to breaking for lunch near a pile of dead and wounded villagers, and finishing off the wounded so their cries would not disturb his team’s meal.[86] Larry La Croix told Ridenhour that Lt. Calley slaughtered villagers “like sheep” using a machine gun.

As he sought out details and confirmation Ridenhour became determined to force an investigation into My Lai. He did not know how to do that, but knew he needed the facts. The Americal Division’s historical section provided the official account of the assault, and Michael Bernhardt confirmed the vast scale of what had happened. Bernhardt had his own plan for seeking justice. Because the promised investigation within the Americal Division had produced no results, Bernhardt only half-jokingly suggested they assassinate the responsible officers after returning to the United States. Ridenhour later recalled talking him out of the plan because Bernhardt had substantial time left in his enlistment. Instead, he got Bernhardt to agree to support his attempt to force an investigation, and to promise to tell the truth when the time came.[87]

Ridenhour received conflicting advice from friends and family. Most told him to drop the matter entirely, though a few suggested he contact the Army’s Criminal Investigation Division. His solution was to write a long letter about My Lai to Congressman Morris Udall and twenty-

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[85] Thompson and Ridenhour, "Heroes of My Lai."

[86] United States., Department of the Army., *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, by W. R. Peers, vol. 1 (Washington, D. C.: Dept., 1970), 19.

[87] Although it seems implausible, Ridenhour recounted his encounter with Bernhardt at a conference in New Orleans commemorating the 25th anniversary of the massacre. Bernhardt’s revenge fantasy was not unique – Marine Corps veteran Scott Camil reportedly proposed a similar assassination program aimed at pro-war members of Congress at a 1971 VVAW meeting, causing an uproar. Belknap, *The Vietnam War on Trial*, 101; Thompson and Ron Ridenhour, "Heroes of My Lai."; Gerald Nicosia, *Home to War: A History of the Vietnam Veterans' Movement* (New York: Crown Publishers, 2001), xii.

two other members of Congress, as well as General William Westmoreland, Secretary of Defense Melvin Laird, and Secretary of the Army Stanly Resor.[88] Ridenhour wanted justice rather than publicity, arguing that he believed a Congressional investigation was best because he believed "in the principles of justice and equality of every man," and did not want to further sully the reputation of his comrades. This goal and the matter-of-fact description of the massacre Ridenhour provided helped convince several of his letter's recipients that he was no mere discontented soldier.

Conclusion

More than a year after Charlie Company's assault on My Lai, a full investigation finally began because of Ron Ridenhour's efforts.[89] His campaign provides a clear example of the coming change in how soldiers concerned about atrocities chose to report them. Having seen the cover-up of My Lai in the 11th Brigade, he turned to a mechanism outside the rigid hierarchies provided by the Army. As his letter to Congressman Udall shows, he wanted to see justice done and to protect his friends still in the Army. However, when it appeared that reporting My Lai to Congress and the Department of Defense was not having any effect, he began to consider contacting the media. In taking these steps, Ridenhour heralded a significant change in how soldiers responded to the issue of atrocities. Rather than trusting the chain of command or accepting that he could not seek justice for the victims, he sought other avenues to address the problem. The resulting press coverage, Congressional and Defense Department hearings, and the court-martial of Lt. William Calley seems to have affected the future decisions of many soldiers who witnessed atrocities in Vietnam.

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[88] Belknap, *The Vietnam War on Trial*, 103; Thompson and Ridenhour, "Heroes of My Lai."
[89] Belknap, *The Vietnam War on Trial*, 104.

As Guenter Lewy argued in his 1978 book, *America in Vietnam,* seventy-nine percent of war crimes allegations made by U.S personnel, usually after leaving the military, came after September 1969.[90] Although the My Lai case did not become widely known until November 1969, it followed the Army's decision to drop charges against Col. Robert Rheault for the murder of Thai Khac Chuyen on September 29, 1968.[91] The combination of the two cases – Rheault and Calley – illustrated an apparent inequality in justice for senior officers and their subordinates. Where Rheault and his men escaped prosecution, Calley and his subordinates faced courts-martial. For some, it showed that they could not have faith in the Army to seek justice if they made war crime allegations. For others, Ridenhour's example illustrated alternative methods to reporting atrocities they witnessed. Before My Lai became public, a few veterans, including Peter Martinsen and Donald Duncan, had participated in Bertrand Russell's International War Crimes Tribunal, while small numbers had reported atrocities through their chains of command.[92] Others, like James Henry, attempted to report war crimes to the Army when reassigned from Vietnam to Ft. Hood, Texas, in September 1968, but were ignored.[93] Seymour Hersh's exposé on the massacre brought in large numbers of new members to Vietnam Veterans Against the War (VVAW). It also changed how the organization approached the issue of atrocities – VVAW founder Jan Barry recalled that, "Up until the revelation about My Lai, we

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[90] Lewy, *America in Vietnam*, 347.

[91] "Robert B. Rheault, Green Beret Commander in Vietnam Scandal, Dies at 87," Washington Post, October 26, 2013, accessed June 15, 2014, http://www.washingtonpost.com/national/robert-b-rheault-green-beret-commander-in-vietnam-scandal-dies-at-87/2013/10/26/f2b47cb6-3dad-11e3-b7ba-503fb5822c3e_story.html; "Green Berets Case Dropped," *Milwaukee Sentinel*, September 30, 1969.

[92] Lewy, *America in Vietnam*, 313; Michael Uhl, *Vietnam Awakening: My Journey from Combat to the Citizens' Commission of Inquiry on U.S. War Crimes in Vietnam* (Jefferson, NC: McFarland, 2007), Kindle Book, 1902.

[93] Statement of James D. Henry, Sherman Oaks, California, Feb. 26, 1970; Henry Allegation, Apr. 12, 1974; Box 5, Folder 32; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; James D. Henry, "The Men of "B" Company," comp. Donald W. Duncan and Marilyn M. Smith, *Scanlan's Magazine*, March 1970, 31.

could not talk about war crimes. No audience would believe that this was true."[94] Nixon administration claims that My Lai was an isolated incident infuriated VVAW leaders, inspiring them to put on their own war crimes hearings.[95] New reports of atrocities in Vietnam inundated the media as veterans began to speak more freely about their experiences.[96] The dramatic change in veterans' willingness to discuss potential war crimes in Vietnam demonstrates that the revelation of My Lai became a turning point in how and why soldiers and veterans began to speak out on this issue for the remainder of the war.

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[94] Hunt, *The Turning*, Kindle 754-772.

[95] Nicosia, *Home to War*, 74; Hunt, Kindle *The Turning*, 958.

[96] "My Lai: An American Tragedy," *Time*, December 5, 1969, 30, accessed September 17, 2013, http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=54044947&site=ehost-live; Oliver, *The My Lai Massacre in American History and Memory*, 24, 47.

CHAPTER 3

GOING THROUGH CHANNELS

"I feel as an NCO it was my duty to do something about the lieutenant…"- Clinton Martin[1]

While My Lai constituted a key moment in how soldiers reacted to atrocities in Vietnam, it provides only a partial look at a complex set of responses. In the post-My Lai media frenzy, the Army sought to ensure that allegations of American war crimes did not catch it off-guard again. To prevent that, the Army created the Vietnam War Crimes Working Group, an unofficial task force operating under the auspices of the Deputy Chief of Staff for Personnel. The VWCWG investigated approximately five hundred atrocity allegations, with about ten percent of those claims made directly to the Army rather than being reported to members of Congress or appearing in the media.[2] Even had they been the only examples of atrocities by American soldiers during the Vietnam War, the incidents that the VWCWG investigated demonstrate that My Lai was not the aberration that the Army publicly claimed. In four years of inquiry, Army investigators documented seven other massacres by American troops during the war.[3] Similarly,

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[1] Statement of Clinton Martin; Ambrose Incident, Feb. 2, 1971; Box 16, Folder 157; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[2] Turse, "*Kill Anything That Moves*," diss., xxii-xxvii; Nelson, *The War Behind Me*, 141.

[3] Burkett, Whitely, and Woodruff argue that My Lai was the only example of an American massacre during the war, and, thus, sheds no light on the outcome. Woodruff takes this argument further to argue that atrocity allegations were an outgrowth of the antiwar movement and a North Vietnamese propaganda campaign to influence American voters. Burkett and Whitley, *Stolen Valor*, 138; Woodruff, *Unheralded Victory*, 231-235.

the atrocities documented by the VWCWG show that allegations of American atrocities were not just the product of antiwar media or North Vietnam's *dich van* propaganda program.[4]

Rather, the allegations in the VWCWG files illustrate the wide array of responses to atrocities in the field, in the courtroom, and even in letters home. As with My Lai, these cases show a marked difference between responses by disgruntled soldiers and those who still believed in their mission even after Richard Nixon's policy of Vietnamization began to take effect in July 1969, lowering troop morale. The former group of soldiers seemed to allege atrocities for personal gain, while the latter focused on religious, ethical, and professional concerns such as the effect of atrocities on pacification programs. These cases demonstrate how fear of physical threats and isolation greatly influenced the behavior of soldiers who witnessed atrocities, leading many to withhold information from investigators unless presented with a powerful incentive to cooperate. Religious belief, in the form of repentance for actions and a sense of duty to act morally, played an important role in this regard, as the testimony in the Bumgarner-Rodarte case will demonstrate. Professional concerns about the effect of atrocities on the Army's mission also motivated some soldiers to report atrocities they observed.

Self-serving Reports

Not all soldiers who reported atrocities to the Army did so with a higher purpose in mind. Instead, they seemed to expect some immediate personal benefit for their supposed candor about their experiences in Vietnam. Some sought lighter sentences or discharge from the Army, while others claimed to participate in atrocities in order to convey the horrors of the war to their families. Private First Class Robert Lee Gray, who had served in Alpha Company, 2/1 Infantry,

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[4] Nick Turse, "Verified Civilian Slayings," Los Angeles Times, August 06, 2006, accessed December 22, 2013, http://www.latimes.com/news/la-na-vietcases6aug06,0,371318.story; Woodruff, *Unheralded Victory*, 243.

part of the infamous Americal Brigade, turned himself in to military authorities in Fort Wayne, Indiana, for being absent without leave on December 3, 1969. Perhaps inspired by Seymour Hersh breaking the news of the My Lai massacre the previous month, he also reported to Military Intelligence personnel that he had witnessed a war crime during the second week of September 1969. Gray claimed that his platoon leader, Lt. Mills Savage, ordered the platoon to fire on eight Vietnamese children who were walking near the perimeter of LZ West, killing six of them.[5] After a short investigation, the Army's Criminal Investigation Division determined that Gray's story contained elements of truth, but ruled the deaths of the children "combat-related casualties." The army closed the case, concluding it a horrible accident – the unit had opened fire on suspected enemy forces with automatic weapons and artillery. After receiving no return fire, they stopped shooting and found the bodies of four unidentified children. Gray's bid for clemency using the incident was a failure.

SP4 John Wennergren similarly used atrocity allegations to appeal for leniency. After service as a door-gunner with the 123rd Aviation Battalion of the Americal Division from January 1968 through January 1969, the Army assigned him to the Tsurumi Storage Facility, which housed petroleum products for American forces in the Far East. Within six months, Wennergren requested discharge from the Army as a conscientious objector, alleging that he had witnessed and participated in war crimes.[6] During the ensuing investigation, Wennergren claimed that he fired only at suspected Viet Cong, and only after firing warning shots at people

[5] Gray Allegation, Jul. 2, 1970; Box 4, Folder 10; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[6] Message from USACIDA to Commanding Officer, 521st MP Detachment Zama Japan, Dec. 19, 1968; Wennergren Allegation, Jan. 14, 1970; Box 4, Folder 14; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

who refused to stop running. The exception to this was a single day in which he killed five or six unidentified people in the free fire zone surrounding My Lai[7]

The case of SP4 Steven C. Snyder illustrates a less public way in which soldiers used atrocity claims for direct personal benefits. On November 3, 1970, Anthony Ciccarella arrived at Fort Knox, Kentucky, and gave the Military Intelligence staff seven letters sent by SP4 Steven C. Snyder of the 25th Infantry Division to his wife. In the letters, Snyder described a series of atrocities that his squad had committed in Vietnam. In a letter dated January 12, 1970, Snyder claimed that his squad gave a group of Vietnamese children candy and cigarettes while passing through their village only to find that the children were booby-trapped.[8] The trap killed one soldier, so Snyder's squad lined up the surviving kids and shot them.[9] In a subsequent January letter, Snyder wrote that he looted money from the corpses of dead Viet Cong. Over the course of his tour of duty, he claimed that he had executed wounded guerillas rather than taking them prisoner on four different occasions. When agents from the Army's Criminal Investigation Division interviewed his wife, she informed them that she had destroyed an eighth letter in which her husband "described a 'black night' when his unit killed everyone in an entire village."[10]

[7] Wennergren refers to the area by the nickname "Pinkville" which soldiers in the Americal Division gave to the area due to its reputation as a Viet Cong stronghold and its color on their maps. Statement of John W. Wennergren; Wennergren Allegation, Jan. 14, 1970; Box 4, Folder 14; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[8] Snyder did not specify how the children were booby-trapped, whether holding grenades, or having some other type of weapons. Snyder Allegation, Oct. 14, 1971; Box 8, Folder 60; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[9] Snyder Allegation, Oct. 14, 1971; Box 8, Folder 60; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[10] Snyder Allegation, Oct. 14, 1971; Box 8, Folder 60; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

What investigators discovered seems as implausible as his letters' contents. Squad leader Sgt. Robert Leath, who served with Snyder for eight months, told CID agents that Snyder's claims were either exaggerated or fictitious. Other soldiers from the platoon claimed that none of the incidents occurred. When CID agents finally tracked him down at his new unit in West Germany, Snyder confessed that he had fabricated the stories to impress his wife. By portraying himself as engaged in a brutal war against an unpredictable enemy he seemed to think would convince her that he was a war hero, regardless of the methods he used. He insisted that the only truth in the war crimes he described was the theft of five dollars in Vietnamese currency from the body of a Viet Cong.[11]

Professional Concerns

While Gray, Wennergren, and Snyder exaggerated their experiences to create stories of war crimes that they could use for their own purposes, other investigations revealed soldiers who reported atrocities to their chain of command out of a sense of professional duty. The Special Court-Martial of Lt. Warren Ambrose on March 2, 1971, shows NCOs who continued to believe in their mission even after the revelations of My Lai and the beginning of American withdrawal under Nixon's Vietnamization program.[12] Ambrose began his second tour of duty in Vietnam when he took command of the Recon Platoon of Echo Company, 4/503 Infantry southwest of Tam Quan. The platoon maintained fortified positions at its command post and Stag 8, a firebase to its southeast, which spread Ambrose's responsibilities, and his presence made an immediate

[11] Snyder Allegation, Oct. 14, 1971; Box 8, Folder 60; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[12] Ambrose Incident, Feb. 2, 1971; Box 16, Folder 157; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

negative impact during his month in command when his actions toward the local populace damaged the good will his men had carefully built over the course of their mission.

Ambrose caused problems for his men by mistreating the local Vietnamese; most commonly firing CS tear gas grenades into the rice paddies near Stag 8 while Vietnamese farmers worked their fields.[13] Ambrose also fired LAW rockets into the field, injuring five workers; started a fire in a nearby village while test firing an M-8 gas launcher; and fired a mortar near occupied buildings.[14] Ambrose also forced random civilians to walk point in front of his men, telling Sgt. Clinton Martin "If anyone was going to get it, it was them."[15] Even if they survived the experience, the noncombatants forced to lead Recon Platoon on patrols were not always safe – Ambrose used electrical shocks from a radiotelephone handset to interrogate an old man used this way.[16] Finally, the NCOs claimed, Ambrose ordered the platoon to burn the rice haystacks within a kilometer of his positions without cause.[17]

Because no one died, it is quite possible that Ambrose's methods would have gone unreported if he had not allowed a Vietnamese woman to live at his command post. 173rd

[13] Report of Investigation; Ambrose Incident, Feb. 2, 1971; Box 16, Folder 157; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[14] Statement of Jack Steinbrecker; Ambrose Incident, Feb. 2, 1971; Box 16, Folder 157; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; Statement of Edda Wallace; Ambrose Incident, Feb. 2, 1971; Box 16, Folder 157; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[15] Statement of Clinton Martin; Ambrose Incident, Feb. 2, 1971; Box 16, Folder 157; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[16] Statement of Clinton Martin; Ambrose Incident, Feb. 2, 1971; Box 16, Folder 157; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[17] Report of Investigation; Ambrose Incident, Feb. 2, 1971; Box 16, Folder 157; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

Airborne Brigade regulations forbade allowing foreign nationals inside the perimeter at night other than the families of local Popular Force militia, and an investigation into the woman's presence gave Ambrose's NCOs an opportunity to report his other activities.[18] This is an important element in determining whether soldiers reported atrocities. Even with new regulations that allowed troops to report atrocities to chaplains or inspectors general, soldiers serving on isolated outposts like this one had to either wait for a trip back to their headquarters base camp, or for another officer to visit their unit. Despite that, even before Lt. Robert Weaver arrived at Stag 8 to investigate, Ambrose's NCOs met because they were concerned about the effect his treatment of the Vietnamese had on their pacification efforts. Staff Sergeant Charles Kay, the senior NCO, agreed to present their concerns to the lieutenant, though it had no effect.[19] Ambrose's inaction led the platoon's sergeants to produce a joint statement detailing the damage he had done to their pacification program near Thanh Son Hamlet. Sgt. Jack Steinbrecker believed that Ambrose "could be a good officer," but before his arrival, "we had a good pacification program." That ended when the lieutenant started firing tear gas into the rice paddies and village and "hooking the boy up to the telephone device."[20] Steinbrecker's opinion mirrored

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[18] Statement of Robert Riscassi; Ambrose Incident, Feb. 2, 1971; Box 16, Folder 157; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; Statement of Robert Weaver; Ambrose Incident, Feb. 2, 1971; Box 16, Folder 157; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[19] Statement of Clinton Martin; Ambrose Incident, Feb. 2, 1971; Box 16, Folder 157; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[20] Ambrose's men accused him of using a radiotelephone handset to electrocute a teenage boy by wiring it to his toes and ordering Sgt. Fowler to poor water on his feet. Statement of Jack Steinbrecker; Ambrose Incident, Feb. 2, 1971; Box 16, Folder 157; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; Report of Investigation; Ambrose Incident, Feb. 2, 1971; Box 16, Folder 157; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities;

that of Sgt. James Miller, who believed Ambrose's insistence on firing tear gas canisters into rice paddies was a misguided attempt "to drive the VC into the open" that hindered their pacification efforts.[21]

Professional concerns related to the pacification program dominated the troops' issues about Ambrose's harsh methods. Of the NCOs who signed the statement against Ambrose, only Clinton Martin seemed to harbor a personal grudge against Ambrose, who took some heat tablets from his locker. He also generally disagreed with the way that Ambrose did things, testifying that he was "a good person, however, as an officer, I could not respect the things he would do. He thought he was superior and knew everything."[22] Beyond professional disagreements, Martin regularly clashed with Ambrose, testifying that their relationship was "touch and go" because he made a habit of telling Ambrose exactly how he felt about what he was doing.

Still, the enlisted men did not expect the Army to court-martial Ambrose – they just wanted him reassigned. James Miller testified that he signed the statement "Just to get rid of Lt. Ambrose. I thought we would get a new platoon leader."[23] Even Clinton Martin did not expect a court-martial, testifying that, "I feel as an NCO it was my duty to do something about the lieutenant but we didn't think this would happen. We felt he would just get relieved."[24] Staff

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Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD

[21] Statement of James Miller; Ambrose Incident, Feb. 2, 1971; Box 16, Folder 157; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[22] Statement of Clinton Martin; Ambrose Incident, Feb. 2, 1971; Box 16, Folder 157; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[23] Statement of James Miller; Ambrose Incident, Feb. 2, 1971; Box 16, Folder 157; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[24] Statement of Clinton Martin; Ambrose Incident, Feb. 2, 1971; Box 16, Folder 157; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

Sergeant Charles Kay believed that Ambrose was a good officer, but that Vietnam in 1970 was "not his kind of war" because during earlier tours of duty, the entire country was a free fire zone, where they shot at "anything that moved."[25] The lieutenant had failed to adapt to the new tactics and goals imposed by the Vietnamization policy. The men of the recon Platoon clearly supported and believed in the Army and their mission despite the constraints the pacification program placed on their tactics. When Ambrose's systematic abuse of the local Vietnamese population appeared to threaten that mission, these professional concerns led them to report his methods at the first opportunity. While other soldiers often shared professional concern when confronted with atrocities, they also responded based on their religious beliefs, connections to the local population, and even their own fears of physical retribution from their superiors or of isolation from their peers.

Bumgarner-Rodarte Case

The courts-martial of Sgt. Roy Bumgarner and SP4 James Rodarte for the murders of three duck farmers near Hoi Duc Hamlet in Binh Dinh Province on February 25, 1969, illustrate soldiers' complex reactions to atrocities they witnessed, including tendencies toward group solidarity, and fear of physical and official retribution. This case especially highlights how troops sometimes justified their cooperation with investigations. Local residents recovered the bodies that afternoon and contacted authorities. Within two days Lt. Col. Anthony Herbert, battalion commander of the 2nd Battalion, 503rd Infantry, charged two of his men with murder. By June, the judicial process cleared Rodarte, but convicted Platoon Sergeant Roy Bumgarner of

[25] Statement of Charles Kay; Ambrose Incident, Feb. 2, 1971; Box 16, Folder 157; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

manslaughter, sentencing him to the minimum penalty available – reduction in rank to Private and forfeiture of pay for six months.[26] While the soldiers most directly involved in this incident never got a chance to report the murders, their testimony demonstrates factors that influenced GI's decisions to testify about atrocities. These murders and the results of the courts-martial illustrate the process in which soldiers lost faith in the institution of the Army, leading them to make additional war crimes allegations after they left the service.

Some additional background about the 2/503rd and its men is necessary to understand the initial reluctance of Roy Bumgarner's reconnaissance team to cooperate with the Army's investigation, and the significance of their eventual decisions to testify about the murders. The 2/503rd was part of the 173rd Airborne Brigade, a unit that viewed itself as an elite group of soldiers.[27] That elite status included their chaplains, a group which included Medal of Honor winner Maj. Charles Watters, who perished while administering last rites to a soldier during the Battle of Dak To in November 1967.[28] That Pyrrhic victory, at the cost of twenty-seven percent of the brigade's strength, forced the 173rd Airborne Brigade to rebuild the 2/503rd and 4/503rd

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[26] Bumgarner Incident, 13. 7, 1971; Box 15, Folder 147; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[27] Soldiers in the brigade earned four unit citations, thirteen Medals of Honor, 137 Distinguished Service Crosses, more than 6,000 Purple Hearts, and participated in the only combat parachute jump of the war. "173rd Airborne Brigade Combat Team," GlobalSecurity.org, accessed January 5, 2013, http://www.globalsecurity.org/military/agency/army/173abnbde.htm.

[28] Lawrence Dacunto related that even the appearance of being an elite soldier was important to some of the officers of the 503rd Infantry. Then new CO, Colonel Brownlee, wanted Fr. Watters relieved and transferred out because the chaplain did not look enough like a paratrooper. Before the transfer went through, Watters was killed at Dak To; Antoine Roy, "Interview with Antoine Roy," interview by Richard B. Verrone, Ph.D., The Vietnam Center and Archive, Texas Tech University, accessed January 3, 2013, http://www.vietnam.ttu.edu/virtualarchive/items.php?item=OH0255; Lawrence Dacunto, "Interview with Lawrence Dacunto," interview by Jason Stewart, The Vietnam Center and Archive, Texas Tech University, accessed January 3, 2013, http://www.vietnam.ttu.edu/virtualarchive/items.php?item=OH0645; "Medal of Honor Recipients - Vietnam War," Medal of Honor Recipients - Vietnam War, accessed January 3, 2013, http://www.history.army.mil/html/moh/vietnam-m-z.html.

while it redeployed to the less contested regions of An Khe and Bong Son.[29] Those two infantry battalions lost a combined 375 men. Although never again engaged in heavy fighting, the 2/503rd was busy through 1968 and 1969 patrolling the areas surrounding LZ English and An Khe.[30]

Bumgarner and Rodarte were members of Echo Company, which consisted of small reconnaissance teams (called Recon or Wildcat), comprised of six men led by a sergeant. Unlike the platoons of a line infantry company, these teams specialized in locating enemy forces for larger units to attack.[31] In February 1969, Sgt. Bumgarner was formally in command of the reconnaissance teams, a position normally held by a commissioned officer. His lengthy service in Vietnam, especially near the Bong Son plains to the southwest of LZ English, made him invaluable to the battalion's officers, who usually spent only six to twelve months in Vietnam.[32] Having spent forty-seven months of his twenty-three year career in Vietnam, Bumgarner had far more experience than the officers he served under did.[33] His lengthy service and professional acumen help explain his subordinates' initial reluctance to cooperate with authorities following the murders in February 1969.

Few of the battalion's official records from February and March 1969 survive, but

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[29] Edward F. Murphy, *Dak To: America's Sky Soldiers in South Vietnam's Central Highlands* (New York: Ballantine Books, 2007), 323-325; Spencer Tucker, *Encyclopedia of the Vietnam War: A Political, Social, and Military History* (Santa Barbara, CA: ABC-CLIO, 1998), 90-91.

[30] 2/503 Infantry ACOS (S2/3) Daily Journal, Dec. 23, 1968; Box 45; Daily Journal, Records of Tactical Organizations; Records of USARV Subordinate Commands, 1965-73; Records of the United States Forces in Southeast Asia, 195-1975, Record Group 472.7.6; National Archives at College Park, College Park, MD.

[31] Testimony of Jack R. Donovan; Court-martial of Roy E. Bumgarner, May. 26, 1969; General Courts-Martial Index No. 421583; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[32] Testimony of Jack R. Donovan; Court-martial of Roy E. Bumgarner, May. 26, 1969; General Courts-Martial Index No. 421583; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[33] Testimony of Jack R. Donovan; Court-martial of Roy E. Bumgarner, May. 26, 1969; General Courts-Martial Index No. 421583; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

according to the brigade newsletter, *Firebase 173*, in the weeks after the Tet Offensive it relied on aggressive patrols to find and engage small enemy units.[34] The area around LZ English was quite active and the Recon teams recovered an unusually large number of weapons.[35] Intelligence agents reported that Viet Cong mortar teams had eluded ARVN units providing security to infiltrate near LZ English on the night of February 25, leading battalion operations officer Cpt. Jack Donovan to deploy his Recon Teams to stop the attack. Bumgarner drew the special mission to spend the next five days ambushing the enemy before they could attack.[36]

After selecting a laager site to base his search for the VC mortar team, Sgt. Bumgarner took SP4 Rodarte on a reconnaissance mission. They saw four people working in the rice paddies nearby and called them over, firing warning shots when they hesitated. Bumgarner sent the oldest of the four away, and had Rodarte escort the remaining three off for interrogation – a radical departure from standard procedure since they usually avoided contact with civilians.[37]

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[34] The extract of the 2/503rd Daily Journals for February 25th does not indicate any activity other than Recon Team 4's report that it killed three Viet Cong dressed in shorts with grey and blue shirts, and carrying a rocket and a mortar round; 2/503 Infantry ACOS (S2/3) Daily Journal, Feb. 25, 1969; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis); "C/3/503d Captures Limelight; Hawk Teams Successful in Lee," Firebase 173 II (March 31, 1969): pg. #, accessed January 7, 2013, http://lzuplift.com/lzpiodet/fb173f.htm#top.

[35] Testimony of Jack R. Donovan; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis); Testimony of Jack R. Donovan; Court-martial of Roy E. Bumgarner, May. 26, 1969; General Courts-Martial Index No. 421583; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[36] Testimony of Jack R. Donovan; Court-martial of Roy E. Bumgarner, May. 26, 1969; General Courts-Martial Index No. 421583; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis); Testimony of Roy E. Bumgarner; Court-martial of Roy E. Bumgarner, May. 26, 1969; General Courts-Martial Index No. 421583; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[37] Statement of James Carl Rodarte; Bumgarner Incident, Jul. 13, 1971; Box 15, Folder 147; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

Staff Sergeant Gilberto Carrasco and Sergeant Thomas Dvorak arrived after hearing their warning shots, and Bumgarner yelled for them to provide cover from the ridge and told the three prisoners to sit in the small clearing.[38] As the Vietnamese sat, the sergeant asked Rodarte if he was ready and started firing at the prisoners. Rodarte fired at the ground or over the prisoners' heads, later testifying that he deliberately aimed two feet away from the victims so that he would not hit them even with ricochets.[39] After the firing stopped, Bumgarner searched the bodies and arranged them in a circle, then had Rodarte drop a grenade near their heads to prevent identification.[40]

After searching the bodies, Bumgarner gave some recovered documents to Carrasco, who ordered SP4 Charles Boss to burn them. Boss protested that the papers indicated that the dead were civilians and included a former ARVN soldier, but destroyed the IDs anyway.[41] Boss later testified that he did so because he was worried that if he did not "something would happen to

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[38] Statement of Charles Henry Boss, Jr.; Bumgarner Incident, Jul. 13, 1971; Box 15, Folder 147; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; Statement of Gilberto Carrasco; Bumgarner Incident, Jul. 13, 1971; Box 15, Folder 147; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[39] Statement of James Carl Rodarte; Bumgarner Incident, Jul. 13, 1971; Box 15, Folder 147; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; Testimony of James C. Rodarte; Court-martial of Roy E. Bumgarner, May. 26, 1969; General Courts-Martial Index No. 421583; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[40] Testimony of James C. Rodarte; Court-martial of Roy E. Bumgarner, May. 26, 1969; General Courts-Martial Index No. 421583; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[41] Statement of James Carl Rodarte; Bumgarner Incident, Jul. 13, 1971; Box 15, Folder 147; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; Testimony of Charles Boss, Jr.; Court-martial of Roy E. Bumgarner, May. 26, 1969; General Courts-Martial Index No. 421583; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

me."[42] Carrasco also told his subordinate that Bumgarner had found a B-40 rocket, 81 mm grenade, and other items on the bodies, which convinced Boss that they were planted because he had found an identical group of weapons while on a patrol with Bumgarner in December 1968.[43]

Two primary factors emerge to explain Rodarte's and Boss' actions during and after the murders: fear and religious belief. Historian Joanna Bourke argues that fear was a significant concern for soldiers who committed atrocities as well as those who avoided them. Many soldiers who committed atrocities reported that they feared their comrades would ostracize them if they did not join in the violence, while those who did not often feared their comrades would frag them if they reported them.[44] In this case, fear not only led Rodarte to feign participation in the shootings, but also influenced his responses when questioned about them once Recon Team 4 returned to LZ English.

James Rodarte later testified that most of the time, PSG Bumgarner had good judgment in the field and took care of his men. His presence as a late addition to Recon Team 4 that day was an example of this – Carrasco was a new team leader, so Bumgarner wanted to go out with the team to provide additional training.[45] This was Bumgarner's usual persona, but Rodarte was familiar with his darker side. At night, or when subordinates did not immediately leap to do his bidding, Bumgarner grew angry and violent. During the Article 32 hearing into the murders,

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[42] Statement of Charles Henry Boss, Jr.; Bumgarner Incident, Jul. 13, 1971; Box 15, Folder 147; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[43] Statement of Charles Henry Boss, Jr.; Bumgarner Incident, Jul. 13, 1971; Box 15, Folder 147; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[44] Bourke, *An Intimate History of Killing*, 186.

[45] Testimony of Roy E. Bumgarner, Jr.; Court-martial of Roy E. Bumgarner, May. 26, 1969; General Courts-Martial Index No. 421583; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

Rodarte testified that the sergeant was "pretty good out in the field, except at night he gets fairly emotional. And when you go out with him you can usually expect him to get mad at somebody for some reason or another."[46] Although the sergeant had never directed his temper at Rodarte, incidents that Rodarte witnessed made him cautious of the older man. On one occasion when a group of soldiers from Echo Company was drinking beer, Bumgarner attacked a soldier who talked back to him. As a result, Rodarte was scared enough to always do what Bumgarner ordered to avoid attack and because "when you don't do what he says he always hollers at you and gets fairly emotional."[47]

When Bumgarner asked if he was ready in the clearing on the twenty-fifth, Rodarte claimed he began to get scared because he had a good idea about what was going to happen. Once the sergeant opened fire, he did as well because he was afraid of Bumgarner. He was not sure what would happen if he did not at least appear to shoot at their prisoners, but worried that "he might fire at me or something. I don't know. I was a little afraid of him at the time."[48] The NCO's demeanor during the shooting enhanced Rodarte's fear. When he fired at the ground near the farmers, Bumgarner yelled at him to put out more fire, and something in his voice made Rodarte believe that the Sergeant was about to attack him, so he changed magazines and fired

[46] Testimony of James C. Rodarte; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[47] Testimony of James C. Rodarte; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[48] Testimony of James C. Rodarte; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis); Testimony of James C. Rodarte; Court-martial of Roy E. Bumgarner, May. 26, 1969; General Courts-Martial Index No. 421583; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

over the prisoners' heads. Rodarte's fear extended to his initial actions upon the team's return to LZ English. He refused to provide CID a statement about the incident, and then lied during his first conversation with Charles Davis, the senior Catholic chaplain for the 173rd Airborne Brigade, because he was afraid that if he spoke out something would happen to him while confined in the same hut with Sgt. Bumgarner.[49]

Fr. Davis' meetings with Rodarte, Boss, and Dvorak clearly show how critical the confluence of fear, group solidarity, and religious belief was in determining if soldiers reported atrocities, or cooperated with investigations. The first two elements often seem to reduce soldiers' willingness to either report or discuss American war crimes, but in this case, the combination of religious belief and group solidarity seemed to encourage the majority of the men in Recon Team 4 to at least reluctantly cooperate with the CID investigation into the murders near LZ English. Meeting Rodarte on the day of the murders, Davis told Rodarte that it did not seem like he was telling the whole truth about the incident, and said that any time he wanted to change his story he would be happy to discuss it with him.[50] Two days later Rodarte told the priest that he was sorry about lying during their earlier conversation, but explained that he did it because he was very afraid of what might happen - much of their discussion focused on Rodarte's confusion and fear.[51] Instead of the moral detachment or vacuity that Bourke contends

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[49] Testimony of James C. Rodarte; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[50] Testimony of Chaplain Charles J. Davis; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[51] Davis told investigators and attorneys that when listening to penitents he was most interested in issue s of moral culpability, not the small details of the case - malice, frame of mind, and intent, were the main areas of his interest. He also testified that Rodarte felt under duress by Bumgarner regarding making a statement. Testimony of Chaplain Charles J. Davis; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index

afflicted most soldiers who passively avoided atrocities, Rodarte's reaction displays significant internal conflict between conflicting imperatives.[52] The young soldier was afraid of physical danger from Bumgarner during the shooting, but was also confused about what to do because his superior gave him orders that were clearly illegal and immoral. Rodarte believed that he was required to obey the orders even though he didn't want to, so he took the intermediate step of shooting the ground near the prisoners, which allowed him to appear to follow orders while not murdering anyone.[53]

Fr. Davis and military authorities seemed to recognize the importance of both fear and religious belief as influences on soldiers' reactions to atrocities. Both topics became the subject of repeated and lengthy debate during the Article 32 hearings and courts-martial for both Rodarte and Bumgarner. In a deposition for Rodarte's court-martial, the chaplain explained that the source of Rodarte's fear and confusion related to illegal and immoral orders and stemmed in part from Basic Training's emphasis on the requirement to obey all orders issued by superiors, and the potential consequences of failure to do so. Davis had special expertise in this area due to his prior service in a Basic Training unit:

> Well, then in the broad sense of the term there is individual fear of disobeying an order and then there, if I may go back to basic training, where I spent approximately nine months in a basic training unit at Fort Dix, New Jersey, where part of the courses is military justice, where the man is told always to obey the orders even if it is something unjust to the man or is unjust, obey the order and then subsequently is to make that situation known to a higher authority.[54]

No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[52] Bourke, *An Intimate History of Killing*, 198-199.

[53] Testimony of Chaplain Charles J. Davis; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[54] Testimony of Chaplain Charles J. Davis; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National

He also presented examples that he used as training tools to explain the conundrum that Rodarte was in when presented illegal orders to kill civilians. These materials illustrated the Army's strictures that soldiers must obey even illegal orders, and then report them through the chain of command later. This method worked well when no lives were at stake:

> If I may cite an example, if a man wants to go to church on Sunday and the sergeant says no you may not go, you may not go period and the man is authorized to go to church. The man is supposed to obey the order and then later on bring it to the attention of the superior in command. The same thing is understood among these men.[55]

Rodarte, though, faced a more difficult situation, one which Davis had obliquely addressed in one of his courses on combat morality with the 2/503rd. How, exactly, were soldiers supposed to deal with the legal authority of superiors who ordered them to kill enemies who attempted to surrender?:

> For example, when I had a guidance class in 2nd Battalion, one of the points brought out was this question, when does an officer or superior NCO lose his authority in regards to a command. I presented a hypothetical case. Someone orders take no prisoners… And the situation is that there are clearly identifiable civilians, and they are told not to take any prisoners and this as an immoral act, this is murder. One loses his authority giving such orders under certain circumstances. What I am trying to say is that there are times when my conscience might say I cannot justly take the life of another, and here I have an order, what does one do in these circumstances. I was trying to make this distinction in my mind and to my surprise at that time a number of this character guidance class would still say no matter what obey a command.[56]

Even in the classroom, the elite soldiers had problems determining what the correct course of

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Archives and Records Administration-Midwest Region (St. Louis).

[55] Testimony of Chaplain Charles J. Davis; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[56] Testimony of Chaplain Charles J. Davis; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

action was when ordered to kill prisoners. Fr. Davis believed that Rodarte's confusion echoed the attitude of many soldiers in the 173rd Airborne Brigade because their character guidance classes, including his own "Masculinity of Combat" class, emphasized that soldiers must obey their orders regardless of situation.[57] That Rodarte also feared verbal and physical abuse from the man ordering him to kill unarmed, innocent civilians only made his dilemma worse.

Chaplain Davis' interactions with Rodarte, Boss, and Dvorak illustrate a range of emotional and religious responses to the murders of the three Vietnamese farmers. At a minimum, their discussions with the Catholic priest significantly altered the men's responses to CID agents. Before meeting with Chaplain Davis, all three declined to make official statements. Only after Boss asked to speak to Fr. Davis on February 25, and the chaplain spoke to Rodarte, did they slowly open up about the events of the afternoon. Davis' visit had the most dramatic effect on Rodarte, who finally provided investigators a formal statement.[58] During their first meeting, the story he told Davis was one that Bumgarner had concocted in case there was a problem – they had taken fire and shot at the victims, who were running. After talking to the priest a second time, Rodarte gave the investigators a different story.[59]

While still privileged, Davis did not believe that his meetings with Rodarte were under

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[57] Testimony of Chaplain Charles J. Davis; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[58] Testimony of John Robert Nettie; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[59] Nelson, *The War Behind Me*, 112; Statement of James Carl Rodarte; Bumgarner Incident, Jul. 13, 1971; Box 15, Folder 147; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

the auspices of the sacrament of reconciliation because Rodarte was a Baptist.[60] However, Rodarte saw things differently, testifying that he asked the priest for absolution for his role in the murders of the Vietnamese farmers and for initially lying about what happened. When pressed, he told his defense attorney that he planned to convert to Catholicism, having made up his mind to do so at Christmas.[61] Fr. Davis provided the court a rationale for Rodarte's apparent belief that the priest could absolve him of his sins. The chaplain testified that while Baptists like Rodarte did not have a formal sacrament of confession, in the military setting a Catholic priest could offer confession or the Eucharist to Christians who understood and accepted those sacraments. Because Rodarte had accepted Catholic theology on confession during their second meeting, Davis felt able to offer the young soldier absolution.[62] If he felt guilty due to his role in the murders, Fr. Davis' offer of absolution may explain Rodarte's decision to cooperate with CID despite his fear of PSG Bumgarner, or any reluctance to testify due to feelings of admiration for his skill and experience.

Capt. Norman Cooper, the defense counsel for Sgt. Roy Bumgarner, understood the importance of religious belief and the potential effect of a religious authority figure on soldiers' behavior and testimony. He accused Fr. Davis of manipulating both Rodarte and Dvorak, who witnessed the murders from his vantage on the ridge, into cooperating with the CID investigation by using his religious authority. When asked about his role in the investigation, Davis claimed

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[60] Testimony of Chaplain Charles J. Davis; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[61] Testimony of James C. Rodarte; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[62] Testimony of Chaplain Charles J. Davis; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

that it was only to provide spiritual guidance to the men - he did not discuss the content of their conversations with CID.[63] The core of Cooper's argument was that neither man cooperated with CID until after they spoke with Davis, who appeared to intervene at the behest of investigators, when Dvorak asked for a priest.[64] Davis testified that Dvorak needed help in developing a "correct conscience" because he was struggling with the complexity of the situation and trying to determine the right thing to do.[65] CID agents were already interviewing Thomas Dvorak when they asked the priest to speak with him. In Davis' words, the interrogators believed it "advantageous to the individual to speak with the priest" because he was also Catholic.[66] At the very least, Cooper contended in his objection to allowing Davis' testimony into the record that the chaplain appeared to be working on behalf of the CID by offering "some kind of religious inducement" in the form of absolution to Rodarte and Dvorak in exchange for their cooperation.[67] The question was whether Davis inappropriately drew on his religious authority by telling Dvorak and Rodarte it was their moral duty to cooperate with authorities by testifying against Bumgarner. Davis' implication that both Rodarte and Dvorak agreed to testify in part due to their religious views lent credence to Cooper's fears. Although neither soldier indicated that

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[63] Testimony of Chaplain Charles J. Davis; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[64] Testimony of Chaplain Charles J. Davis; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[65] Testimony of Chaplain Charles J. Davis; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[66] Testimony of Chaplain Charles J. Davis; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[67] Testimony of Chaplain Charles J. Davis; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

his beliefs dictated the way he behaved during the shooting, their religious background seemed to greatly influence their cooperation with investigators.

Although it is clear that discussing absolution and assisting Dvorak to develop "a clear conscience" provided religious motivation for believers to assist CID in its investigation, Davis rejected the implication that he was acting as an agent for CID in order to secure their testimony for the prosecution. He argued that he was concerned solely with morality and spiritual culpability, not the law or prosecuting offenders. Rather than trying to encourage cooperation with CID, Davis contended that his role as chaplain was to:

> help spiritually as best I could assist. With having obtained his permission to disclose this, I pointed out to him it would be good to straighten himself with Almighty God if there was any need for this.[68]

Catholics believed that the sacrament of Reconciliation, commonly known as confession, was the key to absolution of sins, so Davis told Rodarte that "in confession the man must tell the truth, whole truth no matter what in order to have his sins forgiven," and that he was available if Rodarte wanted to "resolve his sins." When Davis told the younger man that it was

> absolutely necessary in order for a man to be on good terms with Almighty God he must confess his faults no matter what they are and always being truthful is an integrity of the sacrament. He then related to me the incident that had taken place and found that he was sorry if he had offended God, and if any way he had been guilty of anything[69]

Despite instructing Rodarte that he needed a complete confession in order to gain absolution, he asserted that he did not have the spiritual authority to tell penitents to turn themselves in if they

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[68] Testimony of Chaplain Charles J. Davis; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[69] Testimony of Chaplain Charles J. Davis; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

committed a crime. Rather, it was his place to remind people that they had a moral duty to rectify injustice. It was up to each individual to determine the correct course of action.[70] Cooper insisted that this represented inappropriate advocacy on behalf of the CID because Boss, Dvorak, and Rodarte had already been under the pressure of interrogation, and then Davis appeared to pressure them to make a moral choice, even stating that he did not believe Rodarte's initial explanation of what had happened when Bumgarner killed the farmers. Cooper asserted that the implication that the chaplain had assigned a penance to Rodarte was prejudicial to his client's case.[71] That Rodarte had a religious upbringing, with a Methodist minister uncle, lent credence to Cooper's concerns.[72]

With these examples, the potential influence of firmly held religious belief on the behavior of soldiers becomes clearer. While none of the members of Recon Team 4 indicated that religious beliefs dictated their actions in the field, their subsequent reliance on religious authority to guide their responses to the investigation is obvious. Where Rodarte, Dvorak, and Boss turned to Fr. Davis to clarify the correct course of action based on his spiritual advice, the sole other witness did not. Staff Sergeant Gilberto Carrasco neither sought Davis' counsel, nor cooperated with the CID investigation – he remained as reticent as the majority of soldiers CID approached regarding any of the atrocity allegations in the VWCWG files.

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[70] Testimony of Chaplain Charles J. Davis; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[71] Testimony of Chaplain Charles J. Davis; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[72] Letter from Rev. James Rodarte to Capt. Anthony J. McNulty, April 8, 1969; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

Affinity and Professionalism

In addition to fear and religion, affinity for the Vietnamese and a sense of professionalism influenced the ways in which Rodarte and other soldiers responded to the murders of February 25, 1968. Unlike many soldiers who seemed to accept the Army's message of Vietnamese racial inferiority, Rodarte developed a significant level of respect and affection for at least some of the Vietnamese civilians he met in the area around LZ English, especially in Bong Son.[73] That Rodarte did not have racist attitudes many soldiers had toward the Vietnamese may help explain his actions near Hoi Duc Hamlet. Rodarte never indicated that his relationships with Vietnamese civilians prevented him from shooting the farmers alongside Sgt. Bumgarner, but they likely played into his certainty that the farmers they encountered were not Viet Cong.[74] Fellow soldiers testified that Rodarte was friendly with the local Vietnamese and never got into the types of disputes with them that others sometimes did.[75] Character witnesses who wrote to defense attorney Capt. Anthony McNulty also often commented on his interest in the Vietnamese people. Former Air Force Master Sergeant Joe Peach said that when he and Rodarte met in Hawaii on the way to Rodarte's father's funeral he was "so pleased by his concern for the people in

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[73] Although the Army did not have an official policy of Vietnamese racial inferiority, the message that many recruits from NCOs received during Basic and other training indoctrinated soldiers to view even Vietnamese allies in racist terms. Joanna Bourke, *An Intimate History of Killing*, 193-196; Turse, *Kill Anything that Moves*, 55-56 & 94-96; Appy, *Working-Class War*, Kindle 1434-1438; Hunt, *The Turning*, Kindle 215; Lifton, *Home From the War,* 42.

[74] Testimony of Charles Boss, Jr.; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[75] Testimony of James C. Bucklaw; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis); Testimony of Bruce M. Scott; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis); Testimony of Charles A. Vanella; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

Vietnam and I could tell there was no malice in his heart."[76] His aunt, Mrs. Robert Nerini, believed that her nephew's interest in the life of a young Vietnamese boy showed how much he cared about the people he was there to protect. She insisted that he could not have killed innocent duck farmers.[77]

Local Vietnamese character witnesses also testified on Rodarte's behalf, with one shopkeeper proclaiming that everybody in town liked him, and that he never did them wrong. He was so well liked by the townspeople that they commented on his absence, and were surprised at his incarceration during the courts-martial. There was also evidence that Rodarte had a romantic relationship with a young woman named Lung – a witness testified that she had given him a small ring to wear because she loved him.[78]

A sense of professionalism and duty also imbued some soldiers' responses to the murders of the duck farmers near LZ English. All of the soldiers in the 173rd Airborne Brigade were volunteers who sought out hazardous duty as elite soldiers and were held to higher standards of behavior and success. Some saw their military service as a duty to the nation and their families, and questioned policies that seemed to inhibit the Army's mission in Vietnam. Rodarte reenlisted in the Army for three additional years in 1967, and then volunteered for a second tour of duty in

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[76] Letter from Joe E. Peach to Capt. Anthony J. McNulty, April 2, 1969; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[77] Letter from Mrs. Robert Nerini to Capt. Anthony J. McNulty, April 7, 1969; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[78] Testimony of Me Hi; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

Vietnam in order to keep his younger brother from serving in Southeast Asia.[79] He also wrote to his uncle, a Methodist minister in Florida, that he believed that reenlistment was simply his duty to God and Country.[80] Despite this, Rodarte did not have a particular taste for combat. When asked about his combat experiences, he testified that he could not recall whether shots he fired had hit anyone.[81] Family friend Joe Peach, a retired Air Force Master Sergeant, wrote that he did not believe that the younger man could take a life unless it was in the line of duty, and that Rodarte had told him that he just wanted to keep his nose clean and make a career in the Army.[82] His uncle, Rev. James Rodarte, described his nephew as honest and loyal regardless of the cost, which may explain his reluctance to discuss the incident with investigators or Fr. Davis – his desire to remain loyal to Sgt. Bumgarner posed a conundrum.[83]

The case also rankled Lt. Peter Berenbak's sense of professionalism due to the light sentence the Army imposed on Bumgarner, but he kept it to himself for several years after his service in Vietnam. How could an organization that claimed moral superiority over the enemy, or that professed to be fighting to defend the South Vietnamese not punish soldiers who murdered

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[79] Testimony of James C. Rodarte; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[80] Letter from Rev. James Rodarte to Capt. Anthony J. McNulty, April 8, 1969; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[81] Testimony of James C. Rodarte; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[82] Letter from Joe E. Peach to Capt. Anthony J. McNulty, April 2, 1969; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[83] Letter from Rev. James Rodarte to Capt. Anthony J. McNulty, April 8, 1969; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

civilians without even a hint of provocation? When a 1972 *New York Times* article on soldiers who did not want to leave showed Bumgarner still in Vietnam, it incensed Berenbak. Inspired to protest the media's favorable image of the former NCO, he wrote letters to the editor and his Congressman, Peter H. B. Frelinghuysen, about Bumgarner's manslaughter conviction, writing that, "I feel responsibility to speak for Sgt. Bumgarner's victims and ask the Army why this man is still in Vietnam?"[84] Berenbak had arranged for the victim's families to maintain an overnight vigil over the bodies at LZ English before CID airlifted the remains to Qui Nhon for autopsies. The bodies were so mutilated, he recalled, that it seemed certain that the incident was North Vietnamese propaganda designed to hurt the United States' image.

Berenbak's experience dealing with the victims' families after the murders, and the subsequent investigation, changed his opinion of the war. During Bumgarner's court-martial, a soldier who had previously served the sergeant claimed that he had gotten away with similar murders in an earlier incident. The Army cleared Bumgarner in that earlier incident when the other NCOs in the brigade confirmed his story that the dead were Viet Cong, and because his accuser had a history of discipline problems. Similarities between the cases convinced Berenbak of Bumgarner's guilt in both, leading him to protest the heroic image portrayed in the *Times*.[85] It

[84] Nelson, *The War Behind Me*, 116-118; Fox Butterfield, "For Handful of Americans, Vietnam Is Almost Home," *New York Times*, March 31, 1972; Letter to U.S. Representative Peter H. B. Frelinghuysen, Apr. 21, 1972; Bumgarner Incident, Jul. 13, 1971; Box 15, Folder 147; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[85] CID Report of Investigation, Sep. 25, 1968; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis); Memorandum for Record, CID Report of Investigation, Sep. 25, 1968; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis); Statement of Robert H. Fugitt, CID Report of Investigation, Sep. 25, 1968; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and

was too late to prevent future atrocities in Vietnam, but Berenbak still felt the need to act to bring Bumgarner's crimes to light.[86] Like Sgt. Robert Stemme, a counter-intelligence specialist assigned to the 172nd Military Intelligence Detachment, Berenbak thought Bumgarner's laughable sentence of reduction in rank and loss of pay for the murders of three innocent people made the thorough investigation followed by the courts-martial seem like little more than an exercise to keep up appearances.[87]

It is difficult to tell whether the experience of the two courts-martial led Charles Boss to wait until he left the service to report other atrocities that he witnessed in Vietnam, or if watching another soldier execute a wounded North Vietnamese Army prisoner of war in January 1968 pushed him to encourage Fr. Davis to consult with James Rodarte. However, despite Bumgarner's light sentence, Boss continued to have faith that the Army would conduct a full investigation of his allegations, and hold those responsible to account for their actions. That faith led Boss to contact the Army's Criminal Investigation Division in 1970 to report additional war crimes that he witnessed in Vietnam.[88] In the first incident, he claimed that SP4 Amato Valencia killed a prisoner of war near LZ English by shooting the unresisting, wounded NVA soldier. On another occasion, Boss told investigators that Valencia had used the "water-rag" method, now popularly known as water-boarding, to interrogate a wounded prisoner. Finally, Boss gave CID photographs that he argued showed his recon team leader, Joseph Kos, mutilating a corpse with

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Records Administration-Midwest Region (St. Louis) Statement of John E. Stannard, CID Report of Investigation, Sep. 25, 1968; Court-martial of James C. Rodarte, May. 18, 1969; General Courts-Martial Index No. 420865; Records of the Office of the Judge Advocate General, Record Group 153; National Archives and Records Administration-Midwest Region (St. Louis).

[86] Nelson, *The War Behind Me*, 119.

[87] Nelson, *The War Behind Me*, 59.

[88] Boss Allegation, Jul. 15, 1971; Box 11, Folder 76; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

his bayonet before placing a 173rd Airborne Brigade patch in the resulting wound on its forehead.[89]

Unlike the Bumgarner-Rodarte case, though, the Army only cursorily investigated Boss' allegations. Investigators interviewed only Kos about Boss' allegations. When the investigation began, Kos was out of the Army, and immune from prosecution for war crimes under the UCMJ. Despite his immunity from prosecution, Kos denied mutilating the body in Boss' photos and cast aspersions on Boss' character, claiming that he had never seen anyone with a camera on any of his patrols. He suggested that Boss stole the pictures from another member of the 173rd Airborne, and then claimed Boss stole clean rifle magazines from other squad members. He also insisted that nobody in Recon Platoon carried a bayonet in the field, and that none of his men had ever killed wounded prisoners. In effect, Kos called Boss a liar without providing any evidence, and the investigators responsible for the case took him at his word. In any case, Valencia died while still in Vietnam in May 1969, leaving no one other than Kos to prosecute, so the investigators were likely just looking for a reason to close the case and move on, perhaps assuming that Boss was just another soldier seeking attention by reporting war crimes.[90]

Conclusion

Soldiers who served in Vietnam engaged in a wide range of behaviors when they witnessed or reported atrocities. While some, like John Wennergren, Robert Gray, and Steven Snyder alleged atrocities, which they either exaggerated or made up for their own benefit, other

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[89] Boss Allegation, Jul. 15, 1971; Box 11, Folder 76; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[90] Boss Allegation, Jul. 15, 1971; Box 11, Folder 76; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

soldiers had a more complex reaction to American war crimes in Vietnam. Others like Sgt. Edda Wallace reported his commanding officer's abuse of Vietnamese civilians because he believed that his platoon leader's actions damaged the unit's pacification mission by turning local villagers against them. The Bumgarner-Rodarte incident also demonstrates the complex responses that soldiers had when faced with atrocities in progress. While none of the men who witnessed the murders of Nguyen Dinh, Nguyen Kich, and Phan Tho near Hoi Duc Hamlet had the resolve to stop PSG Roy Bumgarner, they did not join him in shooting the three farmers. The heaviest burden lay on the shoulders of SP4 James Rodarte, who Bumgarner ordered to help execute the three farmers. While Rodarte feared the physical and legal repercussions of not following that order, he chose to disobey it by shooting near the intended victims, rather than at them.

Where Joanna Bourke sees these methods of avoiding atrocities as a sign of moral disengagement, the Army's investigation and courts-martial records show a more complicated calculus that included fear, religious belief, and even affinity for the Vietnamese. These cases only begin to illustrate the complex ways in which soldiers and veterans responded to the contentious issue of American war crimes in Southeast Asia. Additional soldiers became motivated to report atrocities after becoming convinced that the Army would not substantially address the problem on its own, or after reports of Lt. William Calley's court-martial led them to worry that only junior officers and enlisted men would pay any penalty for abuses. My Lai coverage convinced still other veterans that Americans were unaware of the true horror of the war. Significant numbers of these GIs turned to Congress and the senior leadership at the Pentagon to address their concerns.

CHAPTER 4

SAVING THE ARMY FROM ITSELF

"*As far as I was concerned, it was a reflection on me, on every American, on the ideals that we supposedly represent. It completely castrated the whole picture of America." – Ron Ridenhour*[1]

After My Lai became a public scandal, a significant number of veterans and GIs contacted members of the government to report atrocities in Vietnam. The dates of the reports, ranging from December 1969 through February 1971, suggest that coverage of the massacre inspired individuals to allege atrocities, but examination of individual cases shows that a variety of factors motivated them to contact government officials with their allegations. As late as 1970, the U.S. Army had no independent mechanism for reporting or investigating war crimes, leaving soldiers only the normal military judicial process established under the Universal Code of Military Justice (UCMJ).[2] Because the UCMJ required soldiers to report potential war crimes through their immediate chain of command, the lack of a useful alternative left soldiers with no effective way to report potential war crimes if their officers had themselves participated in, or encouraged, atrocities as a legitimate part of the war. Like a number of the enlisted men at My Lai, many soldiers did not believe that reporting atrocities through their chain of command would produce any results, leaving GIs who wanted to report atrocities with very few options.

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[1] Quoted in Engelhardt, *The End of Victory Culture*, 218.
[2] Lewy, *America in Vietnam*, 343.

Those who still believed in the Army's mission in Vietnam, had faith in the institution of the Army, or disliked the antiwar movement had two methods of reporting atrocities – contacting members of Congress, or turning to senior DoD officials. While ranking officers were technically part of the Army, the soldiers who contacted them believed their positions separated them from the biases of combat commanders, who sometimes ordered or ignored atrocities. Contacting inspectors general or members of the Joint Chiefs of Staff required methods more akin to writing the President or members of Congress than contacting the local Criminal Investigation Division (CID) office, the only official method available to soldiers before 1970, because it required complainants to locate contact information, and then write and mail a letter without discovery.[3] This series of tasks required a different type of resolve than walking into the CID office on a lunch break.

While some soldiers reported atrocities for purely selfish reasons, such as a desire to receive reduced sentences in military prisons, they represent only a fraction of all war crimes allegations during the war. Ron Ridenhour, who reported the My Lai massacre to members of Congress and officials in the DoD, personifies the methods used by other soldiers who reported atrocities to the government. He acted because he believed that to remain quiet about the massacre was to become complicit in an incident that he believed tarnished the sacrifices of all of the servicemen killed in Southeast Asia.[4] However, the trials of Lt. Calley and his men for their roles at My Lai motivated many veterans to make their own allegations. That no senior officers ever paid a significant price for the actions of their men led a determined set of soldiers to

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[3] Beginning in 1970, soldiers had the legal options of reporting atrocities to either Inspectors General or a military chaplain, but before that time, the Uniform Code of Military Justice (UCMJ) required them to report all potential war crimes through their local chain of command. Lewy, *America in Vietnam*, 343.

[4] Thompson and Ridenhour, "Heroes of My Lai,"; Belknap, *The Vietnam War on Trial*, 103.

complain that the process was inherently unjust.[5]

The men who reported atrocities to government officials found themselves in a difficult situation. While they wanted to report war crimes to encourage the Army to change its tactics and policies in Vietnam, they no longer believed that the Army would reform itself. However, they still believed in the American government's authority over the Army. Concern that the government would not take action led some solders to threaten to leak their allegations to the media to prod the Army into action. Ridenhour alluded to this option in his letter detailing the My Lai Massacre to Secretary of the Army Stanley Resor, Congressman Morris Udall, and twenty-one other officials, writing:

> I think that it was Winston Churchill who, [*sic]* once said "A country without a conscience is a country without a soul, and a country without a soul is a country that cannot survive." I feel that I must take some positive action on this matter. I hope that you will launch an investigation immediately and keep me informed of your progress. If you cannot, then I don't know what other course of action to take.
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> I have considered sending this to newspapers, magazines and broadcasting companies, but I somehow feel that investigation and action by the Congress of the United States is the appropriate procedure, and as a conscientious citizen I have no desire to further besmirch the image of the American serviceman in the eyes of the world. I feel that this action, while probably it would promote attention, would not bring about the constructive actions that the direct actions of the Congress of the United States would.[6]

Ridenhour prefigured the actions of other solders. This threat became more prevalent as the Calley court-martial continued and public condemnation of both the massacre and the guilty verdict increased. It was also effective, as the case of SP4 George Lewis, who anonymously

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[5] Maj. Gen. Samuel W. Koster was the highest-ranking officer punished for his role in the cover-up of My Lai. The Army demoted Koster to Brigadier General and stripped him of decorations awarded in Vietnam. David Stout, "Gen. S.W. Koster, 86, Dies; Was Demoted After My Lai," The New York Times, February 11, 2006, accessed January 16, 2014, http://www.nytimes.com/2006/02/11/national/11koster.html?_r=0.

[6] "Pinkville," Ron Ridenhour to Stanley Resor, March 29, 1969, accessed June 10, 2014, http://law2.umkc.edu/faculty/projects/ftrials/mylai/ridenhour_ltr.html; Belknap, *The Vietnam War on Trial*, 104.

contacted officials at the Pentagon, will show.[7]

Soldiers who were proud of their service or still wanted a career in the Army tended to contact officials at the Pentagon with their allegations first, while soldiers who had lost faith in the Army favored reaching out to members of Congress. A significant minority of soldiers claimed that they had chosen not to report atrocities to the media because they did not want to hurt the Army by courting publicity, but that did not prevent them from threatening to do that if the government ignored their allegations. With the exception of those men who sought to use their reporting of atrocities to gain shorter prison sentences or assignment away from combat for themselves, the majority of GIs who came forward with atrocity allegations were not seeking attention for themselves, but rather hoped to aid the Vietnamese people or fellow soldiers. Regardless of their specific motivations, soldiers who reported atrocities to the government fall outside the narratives of war crimes allegations provided by revisionist historians. Rather than seeking to end the war, to gain fame, or to attack the political system, these men sought genuine reform of an institution they respected. In this regard, soldiers who contacted the government with war crimes allegations had different goals than their compatriots who followed the methods prescribed by the UCMJ when reporting abuses to their superiors. The latter group seemed more concerned with addressing specific atrocious behavior by American forces than addressing systemic issues.

Self-Serving Reports

[7] Turse, *Kill Anything That Moves*, 392; Concerned Sergeant Allegation, Sep. 4, 1971; Box 1; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

A substantial proportion of soldiers who wrote to Congressmen were seeking personal benefit. Private Kenneth Snell simply wanted out of combat in Vietnam. Assigned to the 2/503 Infantry in May 1969, Snell wrote to President Richard Nixon that he witnessed repeated murders and other war crimes against civilians, and claimed that another soldier killed the unit's fire team leader. As a result, Snell refused to return to combat duty, and asked the President for help. When questioned by investigators, however, Snell recanted his allegations, claiming that they were just rumors, and that the fire team leader's death was just an accident.[8] Similarly, while serving a four-year sentence for desertion at Ft. Leavenworth, Kansas, Private Edwin Arnett wrote U.S. Senator Allen Cranston on January 13, 1970, claiming that another soldier in Saigon gave him film showing the murders of Vietnamese civilians. Unfortunately for Arnett, the film disappeared – his lawyer denied having the film, while Arnett's wife Yoshie had fled to the People's Republic of China when he was sent to prison. If the film existed, the Army never recovered it.[9]

The murder of Do Van Man on September 5, 1969, illustrates the complexity of American response to atrocities. The incident bothered SP5 George Chunko so much that he wrote out a formal affidavit and mailed it to Congressman Morris Udall to ask for an investigation.[10] He claimed that while on a Search and Destroy mission, First Lieutenant James

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[8] Snell Allegation, Feb. 26, 1970; Box 4, Folder 19; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[9] Arnett Allegation, May 21, 1970; Box 6, Folder 33; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[10] Letter from Morris K. Udall to Stanly Resor, Sep. 30, 1969; Duffy-Lanasa Incident, Feb. 1971; Box 3, Folder 2; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

Duffy encountered no resistance when he led a platoon from Charlie Company, 2/47 Infantry into a small hamlet. While searching one of the homes, the Americans found a small family consisting of a woman, a military-age man, four children, and an elderly man hiding in a bunker. The young man's identification showed that he was a deserter from the Army of the Republic of Vietnam (ARVN), sharing the house with his wife, children, and father-in-law. Lt. Duffy ignored the ID and interrogated Do Van Man in front of his family despite U.S. Army regulations, and MACV Directives governing identification and treatment of enemy and civilian prisoners, and eventually had him tied to a tree outside.[11] During the interrogation, Duffy appeared to take malicious pleasure from the pleas of Do Van Man's wife. The lieutenant eventually told her that his troops would execute Man the following morning.[12]

Chunko found the wife's grief so "unbearable" that he had to leave the house. Outside he encountered other soldiers abusing the prisoner – when he confronted them, they said that they "were just having a little fun," and that Do Van Man deserved it even though he was merely an AWOL soldier. "Being absolutely repulsive [*sic*] of the proceedings," Chunko went to the other side of the building to discuss the situation with a friend.[13] The Platoon Sergeant, overhearing their conversation, told them to keep their concerns to themselves, and warned against trying to

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[11] United States, United States Military Assistance Command, Vietnam, Headquarters, *Directive 20-5: Inspections and Investigations - Prisoners of War, Determination of Eligibility* (San Francisco: United States Army, 1968), accessed June 20, 2014; United States, United States Military Assistance Command, Vietnam, Headquarters, *Directive 381-11: EXPLOITATION OF HUMAN SOURCES AND CAPTURED DOCUMENTS*, accessed June 20, 2014, http://www.history.army.mil/books/Vietnam/Law-War/law-appd.htm; United States, Department of the Army, Headquarters, *FM 19-40: Enemy Prisoners of War and Civilian Internees (December 11, 1967),* , accessed June 20, 2014, https://archive.org/details/FM19-40; Elizabeth G. Arsenault, "The Domestic Politics of International Norms: Factors Affective U.S. Compliance with the Geneva Conventions" (PhD diss., Georgetown University, 2010), 316.

[12] Statement of George D. Chunko, Sep. 12, 1969; Duffy-Lanasa Incident, Feb. 1971; Box 3, Folder 2; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[13] Statement of George D. Chunko, Sep. 12, 1969; Duffy-Lanasa Incident, Feb. 1971; Box 3, Folder 2; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

raise any opposition to the coming execution. Rather than arguing, Chunko went to sleep. The following morning Duffy ordered SP4 David Walstad, SP4 Curtis Wilson, and Sgt. John Lanasa to take Do Van Man into the woods and shoot him because their company commander told him not to take any prisoners.[14] Within forty-eight hours, Chunko wrote and mailed home a six-page affidavit, in which he depicted Lt. Duffy as acting as "self-appointed judge, jury, and executioner" who contentedly finished his breakfast after the murder, believing that he had done a good job.

We will probably never discover George Chunko's full motivation to write his formal affidavit documenting the murder of Do Van Man, because he died in combat only two days after writing it. While he expressed concern, only SSG William Russell tried to stop the execution.[15] The motivations of soldiers who testified against Duffy and Lanasa are clearer – both Walstad and Wilson received immunity in exchange for their testimony. They claimed that Lanasa shot Do Van Man between the eyes with his M-16 and they opened fire, shooting him in the chest, immediately afterward.[16] Their decision to cooperate was self-serving, rather than based on a higher moral impulse. By laying all of the blame for the incident squarely on Duffy

[14] Blue Bell Report, Dec. 18, 1969; Duffy-Lanasa Incident, Feb. 1971; Box 3, Folder 2; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; Statement of George D. Chunko, Sep. 12, 1969; Duffy-Lanasa Incident, Feb. 1971; Box 3, Folder 2; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[15] Letter from Morris K. Udall to Stanly Resor, Sep. 30, 1969; Duffy-Lanasa Incident, Feb. 1971; Box 3, Folder 2; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; Blue Bell Report, Dec. 18, 1969; Duffy-Lanasa Incident, Feb. 1971; Box 3, Folder 2; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[16] Duffy-Lanasa Incident, Feb. 1971; Box 3, Folder 2; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

and Lanasa, these two soldiers avoided prosecutions and potential dishonorable discharge from the Army.

The reaction of the Army hierarchy associated with the case was also largely self-serving, perhaps influenced by the public furor over the My Lai Massacre after November 1969. Lt. Gen. Frank Mildren, Deputy Commander of the United States Army in Vietnam, wrote in a confidential cable on December 18, 1969 that he expected widespread publicity and attempts to embarrass the Army because of the case.[17] Other senior leaders also recognized the explosive potential of the case, and worked to minimize it. Lt. Gen. Julian Ewell, in command of II Field Force in Vietnam, of which the 2/47 Infantry was part, wrote to MACV commander, Gen. Creighton Abrams, that he was treating the incident as a simple murder case rather than a war crime because Vo Man Dan was not a North Vietnamese soldier or a Viet Cong guerilla.

Despite this, he recognized that the media would see it as a war crime. Having already received three requests for information, he was restricting press releases related to the case to just the charges against Duffy and Lanasa.[18] Abrams' reply showed that he wanted information about the murder kept closely – released only on request, and providing only the specifications and charges.[19] The Army's sensitivity to publicity in the case led it to hold two witnesses in Vietnam beyond the date they were due to report to new duty stations to ensure that they testified at

[17] Blue Bell Report, Dec. 18, 1969; Duffy-Lanasa Incident, Feb. 1971; Box 3, Folder 2; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD

[18] Memorandum from LTG Ewell to GEN Abrams, Dec. 4, 1969; Duffy-Lanasa Incident, Feb. 1971; Box 3, Folder 2; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[19] Memorandum from Gen Abrams to LTG Ewell, Dec. 7, 1969; Duffy-Lanasa Incident, Feb. 1971; Box 3, Folder 2; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

Duffy's court-martial. Charlie Company commander Capt. John Turner's testimony was especially needed to confirm his instructions to Lt. Duffy.[20] Even the verdict in Duffy's court-martial seemed to bow to pressure resulting from the furor over My Lai. The court found Duffy guilty of premeditated murder, only for members to change their minds upon learning it carried a mandatory life sentence for the crime.[21]

Receiving permission from the presiding judge, the officers and enlisted men serving on the court deliberated for more than four hours before changing their verdict and finding the lieutenant guilty of involuntary manslaughter, which allowed for a lighter sentence.[22] The rules governing courts-martial allowed the members of the court this option only because their original ruling of guilty had not been read in public, yet. Duffy's defense counsel, Henry Rothblatt, and retired Gen. S.L.A. Marshall argued that the sudden change in verdict was both unprecedented and indicative of command influence on the court-martial process. Rothblatt argued that "there was no question that the Army was determined to bring in some guilty of verdict" in the murder

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[20] Memorandum from CR USARV to RUEADWD/DA, Mar. 3, 1970; Duffy-Lanasa Incident, Feb. 1971; Box 3, Folder 2; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[21] Unlike civilian criminal trials, verdicts and sentencing are determined by members of the court, who serve a function much like that of a jury. In non-capital cases, the court consists of at least five commissioned officers or warrant officers unless the accused holds enlisted rank. Enlisted men have the option of requesting that NCOs also sit on the court. Although formal rank does not influence the court's deliberations, the highest-ranking member serves as the President, a position similar to that of a jury foreman in civilian trials. Presiding over the court-martial is a military judge selected on an *ad hoc* basis. The primary requirement for selection as a military judge is admission to the Federal Bar, or to the highest level of State courts in any State Bar. In this case, the Military Judge had not provided sentencing guidelines to members of the court before they deliberated on the issue of guilt, likely to prevent the punishments to influence their decision. Department of Defense, *Manual for Courts-Martial (MCM), United States (2012 Edition),* Part II: Rules for Courts-Martial, accessed April 10, 2014, http://www.loc.gov/rr/frd/Military_Law/pdf/MCM-2012.pdf.

[22] Sentences over ten years duration required a three-fourths vote by the members of the court. Duffy-Lanasa Incident, Feb. 1971; Box 3, Folder 2; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; Department of Defense, *Manual for Courts-Martial (MCM), United States (2012 Edition),* Part II: Rules for Courts-Martial, accessed April 10, 2014, http://www.loc.gov/rr/frd/Military_Law/pdf/MCM-2012.pdf.

of Vo Dan Man – he charged that Military Judge Col. Wondowowlski's refusal to allow him to present a defense based on pressure to achieve high body-counts was evidence of this. The defense attorney also believed that that the proceedings were a "test case" for the upcoming trial of soldiers accused of committing the massacre at My Lai.[23] Despite that pressure, he contended, the members of the court could not bring themselves to give Duffy a life sentence for his crime.[24]

Military lawyers who spoke to the *New York Times* off the record believed that an acquittal would have damaged the Army due to recent publicity surrounding My Lai and other war crimes. One of the younger Staff Judge Advocates present opined that the ruling was designed to preserve the Army's image without punishing Duffy too much. As such, he believed that it was an illustration of the "Mere Gook Rule," under which American forces placed little value on the lives of Vietnamese civilians.[25] Evoking the spirit of George Chunko's original affidavit, which described Duffy as acting as "self-appointed judge, jury, and executioner," prosecutor Capt. Bogan argued that American soldiers were fighting "so that the people here can have the same rights we do – so that a man cannot be tried, and sentenced, and executed by one other man."[26] To argue, as Rothblatt had, that the court should exonerate Duffy due to his service was to diminish what that service was supposed to achieve – the promotion and defense not just of American interests in Southeast Asia, but of democratic government and ideals in South

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[23] Philip Shabecoff, "Nature of Vietnam War Held No Murder Defense," *The New York Times*, March 29, 1970.

[24] S.L.A Marshall, "Need for Judicial Changes," *Philadelphia Inquirer*, April 5, 1970; Philip Shabecoff, "Nature of Vietnam War Held No Murder Defense," *The New York Times*, March 29, 1970; Philip Shabecoff, "Murder Conviction of Officer Eased in Vietnam," *The New York Times*, March 31, 1970; Philip Shabecoff, "6-month Term Set in Vietnam Death," *The New York Times*, April 1, 1970.

[25] Philip Shabecoff, "Murder Conviction of Officer Eased in Vietnam," *The New York Times*, March 31, 1970.

[26] Statement of George D. Chunko, Sep. 12, 1969; Duffy-Lanasa Incident, Feb. 1971; Box 3, Folder 2; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; Philip Shabecoff, "Nature of Vietnam War Held No Murder Defense," *The New York Times*, March 29, 1970.

Vietnam.[27]

Motivated by My Lai

Coverage of the My Lai massacre also inspired soldiers and veterans to write to Congressional representatives, cabinet-level officials, or ranking U.S. Army officers outside their own chains of command. While the prosecution of junior officers and enlisted men for war crimes while their superiors avoided punishment was these soldiers' primary concern, they also spoke out against American strategy, tactics, and racism in Vietnam. The avenues that soldiers chose for reporting war crimes illustrate both their desire to report atrocities that they witnessed, and concerns that reporting atrocities through the chain of command was either dangerous or ineffective. By contacting Congressional representatives or well-known generals, soldiers fulfilled their need to report atrocities while also attempting to protect the Army from public criticism.

A puzzling example was that of Robert Landis, who served in the 821st Security Police at Phu Cat. In a letter to Secretary of Defense Melvin Laird, written to complete an assignment in a college course that he was taking that asked students to write an official regarding a social problem, Landis claimed that his unit laid an ambush for known civilians who were infiltrating the base in search of food. Despite writing the letter, he refused to cooperate with the resulting CID investigation. Landis claimed that he had never intended to actually send the letter – the instructor of his English composition class at Humboldt State University mailed it. Although he never planned for Laird to receive the letter, Landis told investigators that he wrote it because he viewed Calley's prosecution for murder as an acute social injustice. He believed that if no one

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[27] Philip Shabecoff, "Nature of Vietnam War Held No Murder Defense," *The New York Times*, March 29, 1970.

prosecuted the members of his police detachment, the Army should not court-martial Calley.[28]

While it is difficult to discern what motivated Landis to write about atrocities, others had a more coherent agenda. Stephen Rose, who had served as a journalist and editor for the Danang Support Command newspaper *The Northern Log*, wrote to Kansas Senator Robert Dole and Congressman Larry Winn, Jr. to describe atrocities that other soldiers recovering at the 95th Evacuation Hospital had related to him. The first, a second lieutenant known by the pseudonym "Jim," told Rose that his unit in the I Corps area of Vietnam conducted what he called "project extermination." Jim's unit occasionally received orders to enter a village and kill all of the inhabitants regardless of age or gender.[29] During one of these assaults, Jim claimed that he watched a soldier throw a grenade into a burning hut from which they could hear the cries of a baby. The first few of these missions made him physically ill, but Jim declared that after awhile they no longer bothered him. On another occasion in the hospital mess, Rose asked two enlisted men about their experiences in combat, seeking more information about the missions that Jim described. Instead, they regaled him with a story in which they and five other men in their unit gang-raped a bed-ridden Vietnamese woman and then killed her with a grenade. The only rationale that the two men could give Rose to explain the incident was their hatred and distrust of

[28] Landis Allegation, May 14, 1971; Box 12, Folder 88; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[29] Rose visited Congressman Winn and discussed the alleged atrocities, along with his other concerns regarding the war. This letter was a follow-up to that conversation, thanking Winn for his time, and congratulating him on his daughter's engagement. From the tone, it appears that the Winn and Rose families had closer relations than is usual between representatives and their constituents. Letter from Steve Rose to Congressman Larry Winn, Jr., Dec. 29, 1969; Rose Allegation, Feb. 12, 1970; Box 4, Folder 24; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; Steve Rose, "Reflections," *The Johnson County Scout*, December 4, 1969.

all Vietnamese.[30]

Rose did not report these events while still in the Army because at the time he had no reason to believe that the incidents "were anything out of the ordinary in a combat zone."[31] Not until he returned home and saw how Americans reacted to the infamous Green Beret and My Lai cases did he think the incidents would interest anyone. It is likely that Rose's response to these two reports of atrocities in Vietnam reflected that of many other returning soldiers – they thought that horrible things were the norm in war, and that no one would care about those experiences. Once it became obvious that this was not the case, he contacted Congressman Winn and Senator Dole with his allegations, and then published an account in the *Johnson County Scout*, a newspaper his family owned. Many readers asked why he did not speak up earlier. Others asked whether he waited to publish his allegations until after he contacted members of Congress out of a sense of journalistic duty. He published a lengthy editorial focused on these two questions in his family's other paper, the *Mission Sun*.[32]

His response was unequivocal: no sense of duty or weighing of options influenced whether or when he made atrocity allegations. Only the public outcry resulting from the My Lai and Green Beret cases motivated Rose to come forward – the outcry over these particular cases perplexed him in light of the horrors war brought to Vietnam. In the editorial explaining his decision to wait to report the tales of atrocities he had heard, and believed, Rose explained that

[30] Statement of Stephen Frederick Rose. Shawnee Mission, Kansas, Jan. 27, 1970; Rose Allegation, Feb. 12, 1970; Box 4, Folder 24; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; Steve Rose, "Reflections," *The Johnson County Scout*, December 4, 1969.

[31] Statement of Stephen Frederick Rose. Shawnee Mission, Kansas, Jan. 27, 1970; Rose Allegation, Feb. 12, 1970; Box 4, Folder 24; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[32] Steve Rose, "Memo," *The Mission Sun* (Shawnee Mission, Kansas), December 18, 1969.

before witnessing the public outcry over My Lai, he viewed the massacres as "just another part of a horrible dehumanizing war," and that "it never occurred to me that they should receive special attention over the rest of the bloody conflict."[33] To explain this point, Rose argued that the deaths at My Lai seemed no worse to him than the 750,000 refugees living in misery in the slums of Danang, the thousands of Vietnamese girls forced into prostitution, or the young boys selling marijuana to American soldiers. In strictly tactical terms, Rose wrote that he understood the harsh rationale behind the "extermination projects" troops carried out in contested villages in which local residents exhibited more concern for the safety of their families than American troops, concealing the Viet Cong and allowing them to ambush U.S. forces. With this background, Rose was more concerned about the dehumanizing effects of the war, which itself appeared to be less concerned with the contest between American democracy and Soviet Communism with each passing day.[34]

In many respects, Rose's commentary on American atrocities in Vietnam illustrates how complex GI's responses were on the issue. My Lai certainly seems the initial motivation for his contact with members of Congress and his newspaper article alleging atrocities in Vietnam. However, his subsequent editorial used atrocities as a platform to launch a more general critique of the war, and its affect on the lives of Vietnamese civilians. Despite asserting that he did not see a reason to treat atrocities as a special example of the horrors the war inflicted, Rose also reported a visceral reaction to the harsh tales of American atrocities he encountered while hospitalized. That "some American soldiers are not really Fair-Fighting John Waynes" brought him the sickening realization that the troops who committed atrocities were "just like the

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[33] Steve Rose, "Memo," *The Mission Sun* (Shawnee Mission, Kansas), December 18, 1969.
[34] Steve Rose, "Reflections"," *The Johnson County Scout*, December 4, 1969.

Germans during WWII and the 'notorious' Viet Cong of today." The war reduced them to "no more than animals."[35] Although it took both the shocking experience of having other soldiers describe their own potential war crimes in Vietnam, and the public outcry over My Lai, to awaken him to the issue, Rose did not understand why the American public did not view atrocities as a widespread problem in Vietnam. He blamed their inability to conceive of their sons as anything other than patriotic and upright soldiers devoted to a greater cause. This perception of soldiers as "good boys" meant that they had no choice but to understand the infamous Green Beret and My Lai incidents as aberrations with no bearing on the greater conduct of the war. Rose argued that this interpretation was far from accurate. The government was making Calley and the other twenty-four My Lai defendants into scapegoats to hide the plethora of massacres during six years of war. The only positive outcome that he could see coming out of the furor over My Lai was that people would realize that their sons were killing without "question or understanding" in the name of patriotism.[36]

The media frenzy that developed around the courts-martial of Lt. William Calley and a small group of his enlisted men also led the so-called "Concerned Sergeant" to write Chairman of the Joint Chiefs of Staff General William Westmoreland to allege widespread atrocities by the men of the 9th Infantry Division during its operations in the Mekong Delta. When Westmoreland and the Defense Department hierarchy ignored the letter, its author, SP4 George Lewis, sent additional letters to Major Generals William Enemark and Orwin C. Talbott seeking an investigation into the tactics and policies of not only the 39th Infantry Brigade, but those of the entire 9th Infantry Division and its senior officers as well. Lewis chose Enemark, the inspector

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[35] Steve Rose, "Reflections," *The Johnson County Scout*, December 4, 1969.
[36] Steve Rose, "Reflections," *The Johnson County Scout*, December 4, 1969.

general at the Pentagon, and Talbott, in command at Ft. Benning, due to their proximity to war crimes prosecutions, believing that they were the most likely general officers in the Army likely to take his allegations seriously.

In his letter to Westmoreland, Lewis wrote the former commander of MACV that since leaving Vietnam for a new assignment in Germany he often worried about the fate of the Vietnamese people, along with the fate of the enlisted men and junior officers serving there. Both groups concerned him after he noticed the vast discrepancies between the treatment of Calley and a platoon leader from the 2/39 Infantry charged with murder for using villagers for target practice, and the reduction in rank doled out to West Point Superintendent Samuel Koster for his cover-up of the My Lai Massacre.[37] Lewis argued that excess pressure to maintain high body counts led to the systematic murder of Vietnamese civilians. He believed that the 9th Division's policy to shoot anyone who fled from U.S. troops led to the largest numbers of civilian deaths. The pressure to generate high body counts led helicopters to hover low over Vietnamese until fear caused them to run, providing a legalistic rationale for shooting them. Once they were dead, GIs reported these individuals as Viet Cong "taking evasive action," a claim Lewis heard more than one hundred times when acting as RTO for the 4/39 Infantry.[38]

Snipers, who Lewis claimed worked according to a bounty system that accorded decorations or leave time based on the number of kills they made, were a second major factor

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[37] Letter to General William Westmoreland, May, 25, 1970; Concerned Sergeant Allegation, Sep. 4, 1971; Box 1; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[38] Letter to General William Westmoreland, May, 25, 1970; Concerned Sergeant Allegation, Sep. 4, 1971; Box 1; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

leading to civilian deaths. Although policy required the snipers to identify their targets, much of their work occurred at night, in the early morning, or at very long range – conditions that made positive identification almost impossible, so all of the targets became Viet Cong in the official body count. Snipers killed so many Vietnamese civilians in the Mekong Delta that Lewis' battalion commander quipped that "pretty soon there wouldn't be any rice farmers left because the snipers would kill them all."[39] Combined with indiscriminate artillery fire as well as the practice of making detained civilians walk point during patrols to defuse booby traps, Lewis argued that each brigade killed between 1,200 and 1,500 civilians each month. The snipers from each of the 39th Infantry Brigade's battalions accounted for up to twenty civilian deaths daily, allowing Lewis to argue that the 4/39 Infantry murdered the equivalent of "a My Lai each month for over a year."[40]

Rather than publicly attacking the entire war effort, Lewis was addressing specific tactics and polices initiated by specific individuals. As his letters indicate, Lewis blamed the high numbers of civilian deaths in the 9th Infantry Division's area of operations in the Mekong Delta on practices adopted to fight a hidden enemy by senior officers who believed that much of the populace was against them. The only hard metric the Army developed to measure success – the body count – reduced troops' incentive to differentiate noncombatants from the enemy.

As horrible as the events he depicted were, Lewis was most concerned that any

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[39] Letter to General William Westmoreland, May, 25, 1970; Concerned Sergeant Allegation, Sep. 4, 1971; Box 1; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[40] Letter to General William Westmoreland, May, 25, 1970; Concerned Sergeant Allegation, Sep. 4, 1971; Box 1; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

investigation would focus only on the young officers and enlisted men who actually committed the crimes while ignoring the senior officers who set the policies that led to the deaths. He included his battalion commander, Lt. Col. David Hackworth, and brigade commander, Col. Ira Hunt, as examples of senior officers whose policies and focus on body count caused a large number of civilian deaths. An investigation examining the body count numbers in the 9th Division's records, and interviews with junior officers and enlisted men, would show the pressure that senior officers placed on their subordinates to kill without regard to the victim's identity. Lewis argued that commanders should shoulder much of the blame for atrocities since their policies either led to atrocities, or because they did nothing to institute guidelines to prevent them. He had in fact just read about the United States' execution of Japanese General Tomoyuki Yamashita at the end of World War II for failing to prevent his soldiers from killing civilians and prisoners of war. It was not right, Lewis believed, to wait until a large number of young men faced charges for their acts in Vietnam if Westmoreland did nothing to rein in the senior officers who cared more about achieving high body counts than about the lives of Vietnamese civilians or the GIs in their units who might face courts-martial.[41]

Lewis chose to write to Westmoreland first because the Chairman of the Joint Chiefs of Staff assigned Lt. Gen. William Peers to investigate the cover-up after My Lai, which Lewis assumed meant that Westmoreland was serious about the issue of atrocities in Vietnam. He wanted to provide Westmoreland a chance to investigate the 9th Infantry Division's killings before someone leaked it to the media and created a "real stink in public." If the Army refused to

[41] Letter to General William Westmoreland, May, 25, 1970; Concerned Sergeant Allegation, Sep. 4, 1971; Box 1; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

investigate and determine the real source of American atrocities in Vietnam, Lewis threatened that he would write to several Congressmen and provide them copies of his letter to Westmoreland and names and dates associated with the incidents he witnessed. The idea that the Army would court-martial enlisted men and company officers a few at a time for murdering civilians while rewarding senior officers for the effects of those murders incensed Lewis.[42]

While Westmoreland's office did not entirely ignore Lewis' letter, Acting General Counsel R. Kenly Webster advised against launching a formal investigation. Claims that command pressures related to body count seemed credible because the Army never developed any other concrete measures of success in Vietnam. Webster believed that the arguments Lewis made represented a point of vulnerability for the Army in the My Lai courts-martial, but the absence in the letter of details of specific incidents or of a signature posed a problem. In Webster's opinion, there was no legal framework to support an investigation, but he still believed that Secretary of the Army Stanley Resor should discuss the issue with Gen. Creighton Abrams on his next visit to Vietnam.[43]

While likely irritated by the lack of a substantial investigation, Lewis might have let the matter go if his former battalion commander, Lt. Col. David Hackworth, had not published an article in *Infantry*, an official journal published by the U.S. Army Infantry School, lauding his battalion's successes and innovation in Vietnam. At the time the Army was trying Lt. Calley at Ft. Benning for the murders of civilians at My Lai, its infantry training command at the base

[42] Letter to General William Westmoreland, May, 25, 1970; Concerned Sergeant Allegation, Sep. 4, 1971; Box 1; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[43] Memorandum to Secretary Resor, Jun. 16, 1970; Concerned Sergeant Allegation, Sep. 4, 1971; Box 1; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

published an article praising policies and tactics that led to excessive civilian deaths. The combination led Lewis to write to Maj. Gen. Orwin Talbott, the base commander at Ft. Benning, to highlight the hypocrisy and to ask again for an investigation of the 9th Infantry Division, especially the 4/39, which Hackworth had commanded.[44]

Although he reiterated his claims about the tactics used in the 4/39, Lewis now focused on command responsibility and potential prosecution for war crimes that he had learned in formal training with his unit and at the NCO Academy after returning from Vietnam. He argued that Lt. Col. Hackworth and Col. Hunt were guilty of war crimes because they pressured their men to achieve high body counts without any regard for whom they killed. In Lewis' eyes, the pressure that senior officers exerted was tantamount to ordering them to kill civilians, and since his training indicated that there was no statute of limitations on war crimes, he urged that Talbott push for an investigation. The former RTO also claimed that Hackworth was directly responsible for civilian deaths due to artillery because the battalion commander frequently circumvented MACV rules of engagement about shelling populated areas by pushing company commanders to declare that they had received weapons fire. In these cases, not only did Hackworth not act to prevent unnecessary civilian deaths, but rather he actively facilitated them.[45]

Lewis' frustration at Westmoreland's apparent disinterest in war crimes committed in the Mekong Delta was evident near the end of his missive to Talbott. In a manner reminiscent of spy thrillers, he left instructions for Talbott to let him know that he was starting an investigation into

[44] Letter to General Orwin Talbott, Mar, 30, 1971; Concerned Sergeant Allegation, Sep. 4, 1971; Box 1; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[45] Letter to General Orwin Talbott, Mar, 30, 1971; Concerned Sergeant Allegation, Sep. 4, 1971; Box 1; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

the 9th Infantry Division's activities by placing a notice in the "locator" column of the *Army Times* asking other members of the division to contact "Sgt. Orwin" care of General Delivery in Wolf Creek, West Virginia. Referencing his letter to Westmoreland, Lewis urged Talbott to take action before GIs killed more innocent civilians "just to make some battalion commander look good" while his men took the blame. This time, if Talbott took no action, Lewis threatened to contact newspapers with his allegations and copies of his letters to Westmoreland and Talbott.[46]

The combination of the guilty verdict in the Calley court-martial for My Lai and Hackworth's article in *Infantry* must have infuriated George Lewis. Rather than contacting the media or his Congressman as he had previously threatened, he wrote another letter to a ranking Army officer – Maj. Gen. William Enemark. Lewis' frustration was clear as he wrote that he had "been trying for a year now to tell somebody about a bunch of little things that add up to [as] bad as My Lai or worse."[47] He was tired of enlisted men and junior officers being charged with murder while their commanders seemed to avoid punishment, or receive a modest reduction in rank because of their crimes. Because he loved the Army, Lewis was giving it a last chance to investigate the 9th Infantry Division before sending Congressman Ron Dellums, Senator Ted Kennedy, and the *New York Times* copies of the letters sent to Westmoreland, Talbott, and Enemark. With the upcoming 1972 Presidential election, he was certain that those three would use his allegations to attack both President Nixon and the U.S. Army's tactics in Vietnam as counterproductive, inhumane, and illegal. At the very least, the public outcry would sully

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[46] Letter to General Orwin Talbott, Mar, 30, 1971; Concerned Sergeant Allegation, Sep. 4, 1971; Box 1; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[47] Letter to General William Enemark, Jul, 30, 1971; Concerned Sergeant Allegation, Sep. 4, 1971; Box 1; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

Hackworth's reputation as a brilliant field commander.[48]

Understanding that he needed to separate himself from antiwar protestors and the plethora of atrocity allegations following the My Lai scandal, in the latter two letters Lewis explained his decision to remain anonymous. Not only did he not expect that anyone would take the word of a sergeant over that of a popular and successful battalion commander, but in Germany he had seen what could happen to NCOs who reported improprieties during inspections. A Staff Sergeant had told inspectors that his unit falsified its Quarterly Maintenance Services and parts document registers the night before an annual inspection. These documents tracked required maintenance and parts for combat units, so a failure could negatively affect his commanding officer's future promotions. Lewis claimed that officers in the unit managed to cover-up the discrepancy, but singled out the enlisted man for punishment, including reduction in rank. For this reason, he was willing to testify at a court-martial or deal with investigators as part of a group, but since he hoped to make a career in the Army he refused to step forward publicly. Unlike "some hippy that just wants his picture in papers," he was speaking from direct knowledge of his experiences serving in the 9th Infantry division. His goal was not to stop the war or discredit the Army, but to save it from its own perverse incentives, which led senior officers to sacrifice their subordinates to further their own careers.[49] Although Lewis used the threat of publicity to move the Army to investigate the 9th Infantry Division, he never followed through with his threat. Army

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[48] Letter to General William Enemark, Jul, 30, 1971; Concerned Sergeant Allegation, Sep. 4, 1971; Box 1; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[49] Letter to General Orwin Talbott, Mar, 30, 1971; Concerned Sergeant Allegation, Sep. 4, 1971; Box 1; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; Letter to General William Enemark, Jul. 30, 1971; Concerned Sergeant Allegation, Sep. 4, 1971; Box 1; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

investigators eventually identified Lewis as the author of the three letters, but there is no indication that they ever interviewed him about his allegations.

Former SP5 Richard Brummett seems a mirror image of George Lewis in that both appear motivated by My Lai and their consciences. Where Lewis primarily worried about the Army blaming junior officers and enlisted men for atrocities, Brummett focused on American victims. The prosecution of Lt. Calley for murder clearly influenced both men. While Lewis explicitly referenced the courts-martial of soldiers who participated in the My Lai massacre, Brummett waited almost two and a half years after his tour of duty ended in July 1968 to write to Secretary of Defense Melvin Laird about his experiences as a tank crewman in the Americal Division. That Brummett served in the same division responsible for that incident further implies that it influenced his decision to report alleged war crimes.

In his letter, Brummett claimed that members of his unit, Alpha Troop, 1/1 Cavalry, regularly murdered, raped, and stole from the Vietnamese they encountered with the knowledge and consent of their troop leader and senior NCOs. The troop's soldiers launched white phosphorous rounds at villages, destroyed food supplies, and tortured prisoners.[50] When questioned by CID, Brummett expanded his allegations to include a soldier pushing an elderly Vietnamese man down a well and then dropping in a fragmentation grenade. When that failed to kill him, the soldier fired several rounds from his Colt .45 sidearm into the well to silence him.[51]

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[50] Letter from Richard Brummett to Melvin Laird, Oct. 27, 1970; Brummett Allegation, Nov. 29, 1972; Box 9, Folder 61; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[51] NARA archivists have redacted the documents in the Brummett Allegation folders far beyond their normal practice – in most cases, social security numbers, the names of rape victims, and the names of individuals accused of atrocities, but neither cleared nor convicted are redacted. In the Brummett Allegation, archivists also redacted the names of all witnesses, along with the ranks and positions of all of the accused. As a result, the only

While most of the members of Troop A denied all of the allegations, two of the tankers confirmed Brummett's claims. A flamethrower operator told investigators that it was common practice in 1967 and 1968 to burn villages and shoot livestock. The same soldier also confirmed Brummett's allegations of rape, contending that on one occasion one of the troop's vehicles picked up a Vietnamese woman, and that some time later "a large number" of the troop's men raped her. Their commanding officer declined to prosecute any of the men because so many were involved.[52] Another soldier confirmed that he saw the old man pushed down the well, and heard the grenade explode, but did not recall who was responsible for the incident. He also contended that burning villages, shooting livestock, and destroying food supplies was the troop's standard procedure during his service with the 1/1 from July 1967 to August 1968.[53]

The events he described to Laird were only a few of the incidents that weighed on Brummett's conscience, but he hoped that the Secretary would take action to investigate and expose the crimes he witnessed. If he did not, the former tanker warned, he would seek a more public venue to air his grievances about the conduct of the war - my "conscience will not allow

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names in the file are Brummett's and the investigators. Statement Of Richard Brummett, Poughkeepsie, New York, Nov. 30, 1970; Brummett Allegation, Nov. 29, 1972; Box 9, Folder 61; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[52] Statement Of [redacted] Flamethrower Operator, Ft. MacArthur, California, Jun. 21, 1971; Brummett Allegation, Nov. 29, 1972; Box 9, Folder 61; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; Brummett Allegation Summary, Nov. 29, 1972; Box 9, Folder 61; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[53] Statement Of [redacted], Ft. Polk, Louisiana, Aug. 2, 1971; Brummett Allegation Summary, Nov. 29, 1972; Box 9, Folder 61; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; Brummett Allegation, Nov. 29, 1972; Box 9, Folder 61; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

me to do otherwise."[54] Despite this, Brummett was at pains to assure Laird that he was not like the normal run of antiwar protesters. He wrote that he had volunteered for service both in the Army and in Vietnam at a time when it was "unfashionable to do so." Brummett's argued that while he no longer supported the American mission in Southeast Asia, he was not trying to "destroy our nation, but hoped that America could correct its flaws."[55] While the atrocities he had witnessed had damaged his faith in the nation, he hoped that Laird's desire to find the truth would restore it.[56] The resulting CID investigation did not result in any formal charges due to the paucity of witnesses and evidence, but the personal letter from CID commanding officer Col. Henry Tufts describing the findings apparently sufficed to prevent Brummett from taking his claims public.[57]

In other cases, apparent war crimes served as a platform for soldiers to lodge professional complaints about the conduct of their superiors, who at times appeared more interested in advancing their own careers than anything else. These soldiers were not attacking the war, or the institution of the Army, but seeking redress for specific instances of apparent corruption within the ranks. When attempts to report their concerns through the chain of

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[54] Letter from Richard Brummett to Melvin Laird, Oct. 27, 1970; Brummett Allegation, Nov. 29, 1972; Box 9, Folder 61; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[55] Letter from Richard Brummett to Melvin Laird, Oct. 27, 1970; Brummett Allegation, Nov. 29, 1972; Box 9, Folder 61; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[56] Letter from Richard Brummett to Melvin Laird, Oct. 27, 1970; Brummett Allegation, Nov. 29, 1972; Box 9, Folder 61; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[57] Letter from Henry H. Tufts to Richard Brummett, Oct. 11, 1972; Brummett Allegation, Nov. 29, 1972; Box 9, Folder 61; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

command failed, writing to Congressional representatives offered a reasonable option. An unusual example of this occurred when it appeared that the Army awarded an undeserved Bronze Star Medal with Valor device to Lt. Col. Wade Hampton for his role at the end of a small combat action on December 10, 1971. Two of his men, SP4 Gerald Leventry and Lt. Theodore Coughlin, contacted members of Congress alleging that while in command of the 1/501 Infantry, Hampton ordered his helicopter to land after a platoon ambushed a small number of Viet Cong, killing two of them, and wounding a third. On the ground, Hampton left the helicopter, shot two of the bodies with his sidearm, and ordered an aide to put the wounded man on the helicopter. After returning to their base, Leventry claimed that Hampton put himself in for a decoration for heroism under fire.[58] One of Coughlin's squads had conducted the ambush in December, so he was familiar with the event. The small group of Viet Cong triggered the claymore mines Coughlin's men had set that night. Although there was a large amount of fire from helicopter gunships and Coughlin's men during the ambush, he argued that the situation on the ground was stable and secure by the time Hampton's helicopter landed to retrieve the wounded Viet Cong. Like Leventry, Coughlin argued the action unworthy of such a high decoration. Rather than displaying the high standards and traditions of the Army, he believed that Hampton "committed a war crime by shooting the two dead men in the head."[59] Both men asked for Congressional

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[58] Leventry Allegation, Jun. 15, 1973; Box 18, Folder 215; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; Letter from 1LT Theodore F. Coughlin, Jr. to Senator Ted Kennedy, Feb. 19, 1972; Leventry Allegation, Jun. 15, 1973; Box 18, Folder 215; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[59] Letter from 1LT Theodore F. Coughlin, Jr. to Senator Ted Kennedy, Feb. 19, 1972; Leventry Allegation, Jun. 15, 1973; Box 18, Folder 215; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

investigations to resolve the matter.

Coughlin's letter further asserted that other members of the battalion, presumably other junior officers, felt the same way about Hampton's recent decoration, and had urged him to write Senator Kennedy about it. He did not really believe that anything would come of his letter, but had lost hope that the Army would pursue the matter because he had had verbally reported the incident to his company commander, Capt. Cunningham, to no avail. Although Cunningham had sympathized with Coughlin about the incident and decorations, he provided no advice or instructions on how to proceed. That may explain why he waited to write his Senator until after hearing that Leventry had written Rep. Saylor - he described himself as slow at writing things down despite his own "moralistic" nature.[60]

Other members of the 1/501, including his RTO, identified only as Christie, tried to either protest Hampton's mutilation of the dead VC through the chain of command, or to resist the award nomination process for his medal. Christie, who accompanied Hampton to retrieve the wounded VC, informed CID agents that he did not know why the battalion CO had shot the two dead men. Combined with the medals the Army awarded him and Hampton, the incident made him uncomfortable because it seemed like a normal operation, lacking in heroism or danger beyond the norm – the unarmed, seriously wounded prisoner posed no threat to him or Hampton, much less the aircrew. The situation was certainly less hazardous than the seven months he had

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[60] Letter from 1LT Theodore F. Coughlin, Jr. to Senator Ted Kennedy, Feb. 19, 1972; Leventry Allegation, Jun. 15, 1973; Box 18, Folder 215; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; Statement of Theodore Francis Coughlin, Jr., Nha Trang, Republic of Vietnam, Apr. 13, 1972; Leventry Allegation, Jun. 15, 1973; Box 18, Folder 215; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

spent in the field.[61] Like Coughlin, Christie believed that shooting the dead Viet Cong was a violation of the Geneva Convention. He did not report it, though, because he was warned not to by officers at the battalion or brigade level, who implied that if he "made a fuss" he would find himself back out in the field.[62] Despite that warning, Christie discussed the incident with the battalion chaplain, Reverend Pitchford. The spiritual adviser told the perplexed TRO that it would only create problems for both of them if he reported the incident.

Although Christie believed that Pitchford would not aid him primarily because he wanted to protect his own position, the chaplain notified the battalion executive officer about the incident and discussed it with the Brigade chaplain. Assured that Acting Brigade commanding officer Col. Wes Loeffert was aware of the circumstances surrounding the prisoner's capture, Pitchford believed that he had fulfilled his moral and professional obligations to report it. This belief, combined with warnings from other officers on the battalion staff not to broach the subject with Hampton due to their past differences of opinion, led him to advise Christie that any formal charges would have to come from him.[63] When other soldiers indicated they would not support him if there was an investigation, the only protest he could muster was refusing to sign a

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[61] Statement of Rev Pitchford, Ft. Bragg, North Carolina, Sep. 19, 1972; Leventry Allegation, Jun. 15, 1973; Box 18, Folder 215; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[62] Statement of Radio Telephone Operator "Christie", Freeport, Pennsylvania, Sep. 7, 1972; Leventry Allegation, Jun. 15, 1973; Box 18, Folder 215; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[63] Pitchford also advised Christie that while he had the choice to not wear the medal on his dress uniform, he should wear it with pride, having earned it during seven months of hard service in the field that went unrecognized. Statement of Rev. Pitchford, Ft. Bragg, North Carolina, Sep. 19, 1972; Leventry Allegation, Jun. 15, 1973; Box 18, Folder 215; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

statement for the award nominations for his and Hampton's Bronze Star Medals.[64]

Despite the lack of action, even the battalion's officers were skeptical of both the medals and shooting the dead VC. The battalion's executive officer told investigators that when a disgusted Rev. Pitchford informed him about the incident, he and other staff officers viewed Hampton's shooting of dead Viet Cong and recovery of the prisoner as fodder for a medal. The XO took no action because he was unaware that shooting a corpse was a war crime under the Geneva Convention's prohibition against mutilating the dead. He assured the agents if he had known that, he would have reported the incident through the chain of command.[65]

Conclusion

Where the examples of the soldiers who reported atrocities for their own personal gain appear to support revisionist historians' contentions about atrocity allegation in Vietnam, other cases suggest that the reality was far more complex. George Lewis' threat to take his allegations public illustrates a path that other GIs followed once they became concerned about the issue of atrocities in Vietnam. Having lost faith in the official process of bringing charges through the chain of command, Lewis first assumed that contacting the government would provide a venue to address his concerns. His letters demonstrate increasing frustration and diminishing faith that the Executive branch of the federal government was willing to reform Army practices in Vietnam, and show the next logical steps many soldiers took to make atrocity allegations – to

[64] Statement of Radio Telephone Operator "Christie", Freeport, Pennsylvania, Sep. 7, 1972; Leventry Allegation, Jun. 15, 1973; Box 18, Folder 215; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[65] Statement of 1/501 Executive Officer, Ft. Myer, Virginia, Oct. 6, 1972; Leventry Allegation, Jun. 15, 1973; Box 18, Folder 215; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

contact Congressmen or the media to expose American war crimes. This places Lewis in an arc that other soldiers who chose to report atrocities also followed. Stephen Rose showed a similar reporting pattern by following his contacts with Sen. Dole and Rep. Winn with his own newspaper articles exposing the incidents he knew about. Like Lewis, he was not attacking the Army as an institution. Instead, he was exposing specific practices and incidents to educate the public about a war that was not as clean as the public assumed.

Like Lewis and Rose, Theodore Coughlin's allegations of war crimes against Lt. Col. Wade Hampton demonstrated the path some soldiers followed. When it became clear that reporting the incident within his chain of command could have no effect – the subject of the complaint being his battalion commander himself - Coughlin turned to Sen. Kennedy. While Coughlin had clearly lost faith in his own superiors to address war crimes and corruption within the unit, he still believed that the federal government was the proper venue for seeking justice. Serving in Vietnam toward the end of American involvement, he appeared to either believe in the Army's diminished mission in Vietnam, or was satisfied by the CID investigation, because Coughlin did not contact the press about the incident. Soldiers who had truly lost faith in the government turned to venues that were more public.

CHAPTER 5

GOING PUBLIC

"The lawyer was wrong and this stuff was going on and we had to get it stopped, and I never once thought of not doing anything about it…. I wanted to make a big stink about it and the public to know what was going on." - James Henry[1]

Although it went virtually unreported when it occurred in 1968, and was virtually ignored by the media when the Army charged Lt. William Calley with murder in September 1969, the My Lai Massacre changed how both the media and soldiers reported American atrocities in Vietnam. Before Seymour Hersh broke the story of the My Lai Massacre in November 1969, only two significant reports of Calley's arrest appeared – a fourteen-inch column in the *Columbus Ledger-Enquirer* that was the result of a tip from an anonymous source at Ft. Benning, Georgia, and a miniscule story buried in the middle of the *New York Times*. Although a small number of other journalists received tips, they pursued other stories when they could not quickly confirm Calley's arrest for murder. In this way, mainstream American media continued their earlier practice of shying away from atrocity claims.[2] Just a month later, however, *Time* magazine reported that the dearth of similar stories had become a deluge of atrocity allegations from journalists and soldiers.[3] Coverage of My Lai and subsequent atrocity allegations by

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[1] Quoted in Nelson, *The War Behind Me*, 14.

[2] Oliver, *The My Lai Massacre in American History and Memory*, 13-14; Bilton and Sim, *Four Hours in My Lai*, 249-251.

[3] "My Lai: An American Tragedy," *Time*, December 5, 1969; Oliver, *The My Lai Massacre in American History and Memory*, 24, 47.

soldiers required a mental shift by journalists, editors, and soldiers that built upon increasingly negative reporting on the Vietnam War following the 1968 Tet Offensive. Soldiers' motivations for turning to the media to make public allegations of atrocities varied: they acted to protest Lt. William Calley's prosecution for murder because they had lost faith in the Army; they wanted to stop atrocities; they disagreed with the way the United States was fighting the war; or they wanted to lessen their own punishments.

The Media and Atrocities

Press coverage of the Vietnam War remains a hotly debated topic among historians and the public, as does media coverage of atrocity claims by soldiers, veterans, and others. Understanding why GIs turned to the media to report atrocities requires a brief examination of how television and print reporters covered the war. Kendrick Oliver, Tom Englehardt, Arthur Kaul, and Ted Galen Carpenter argue that before the Tet Offensive, unless media outlets had decided to take an overtly anti-war stance, they had generally avoided the issue of American atrocities. Through the end of 1966, acceptance of American goals by reporters and editors generally kept coverage focused on good deeds by soldiers, atrocities committed by the Viet Cong, and battlefield success.[4] As American casualties increased over the course of 1967, news coverage of Vietnam became more critical of the war. Even when support for the United States' larger goals was not enough to suppress accounts of war crimes, other issues prevented the media from devoting significant attention to allegations of atrocities by U.S. forces.

Journalists relied on sources that they viewed as objective and credible for much of the information they reported – the White House, Departments of Defense and State, and MACV

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[4] Engelhardt, *The End of Victory Culture*, 189; Kaul, "The Unraveling of America," 178; Carpenter, *The Captive Press*, 148-149.

Office of Information – and ignored those they believed were suspect, like the antiwar movement or North Vietnamese sources. In practice, it meant that many American journalists relied on organizations that had a vested interest in communicating a positive image of the war effort. Away from Washington and Saigon, journalists relied on close relationships with the troops in the field to get stories. Those relationships provided them with access to events in the field and with anecdotes and information about the situation on the ground in Vietnam. Assuming they could get reports that focused on war crimes published, journalists might damage their relationships with the very men they relied on for access to the information needed to cover the war.

The fallout from Morley Safer's report on the burning of Cam Ne in August 1965 illustrated the forces that ensured atrocity reports were rare before My Lai became public in November 1969. It also attested to the personal dangers of challenging the Johnson administration's narrative of the war. After his televised report, which provided the first indelible images of Marines burning a village using their Zippo lighters, a Marine officer declared that "if that sonofabitch comes up here again he better not turn his back," while another threatened him with a pistol while drunkenly shouting about the "Communist Broadcast System."[5] As Safer and Harrison Salisbury of the *New York Times* soon learned, negative reports from Vietnam carried professional risks.

Attacks on Safer's professionalism began immediately after CBS broadcast his report from Cam Ne. Lyndon Johnson personally called CBS President Frank Stanton to complain about the report, accusing the Canadian Safer of being a Communist and bribing a Marine

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[5] Oliver, *The My Lai Massacre in American History and Memory*, 19; Engelhardt, *The End of Victory Culture*, 190.

lieutenant to have his men burn Cam Ne on camera.[6] This was just the beginning of the Johnson administration's smear campaign against Safer. Johnson insisted that the Central Intelligence Agency, Federal Bureau of Investigation, and the Royal Canadian Mounted Police investigate Safer for ties to Communism, and was confounded to learn that he was "only a Canadian." These were the three prongs of the government's campaign to delegitimize Safer: either he was a Communist sympathizer, as Dean Rusk contended; or he had staged the event as the Marine Corps insisted; or his Canadian nationality kept him from believing in the American mission in Vietnam. Further, Assistant Secretary of Defense Arthur Sylvester claimed that in Canada Safer was a well-known opponent of the military.[7] While Sylvester tried to get Safer fired, or at least replaced, Marine General Lewis Walt banned him from the I Corps area of operations around Danang to punish him for his reporting.[8] Safer's treatment was a harbinger of things to come; when Harrison Salisbury of the *New York Times* traveled to North Vietnam in 1966 and reported that American bombers had attacked civilian areas of Hanoi, DoD spokesmen claimed he was a dupe of Communist propaganda.[9] So effective was the critique that the Pulitzer Prize advisory board overturned Salisbury's award in favor of a less controversial figure.[10]

The commercial nature of news media also inhibited reporting that focused on atrocities before 1969. Because they derived income from advertising, American commercial media outlets focused on coverage that would not alienate their audiences. Battlefield accounts and stories

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[6] Ralph Engelman, *Friendlyvision: Fred Friendly and the Rise and Fall of Television Journalism* (New York: Columbia University Press, 2009), 204; Engelhardt, *The End of Victory Culture*, 190-191.

[7] Morley Safer, "Morley Safer," interview by Ralph Engelman, Archive of American Television, November 13, 2000, accessed December 03, 2013, http://www.emmytvlegends.org/interviews/people/Morley-Safer; Ralph Engelman, *Friendlyvision*, 209.

[8] Robert J. Donovan and Ray Scherer, *Unsilent Revolution: Television News and American Public Life, 1948-91* (Cambridge: Cambridge University Press, 1993), 82-83.

[9] David Halberstam, *The Powers That Be* (New York: Knopf, 1979), 534; Carpenter, *The Captive Press*, 62; Kaul, "The Unraveling of America," 178;

[10] Oliver, *The My Lai Massacre in American History and Memory*, 13-24.

about GIs doing good deeds were popular, while stories that focused on Vietnamese civilians sapped television viewers' attention. Public outrage like that sparked by CBS' coverage of Cam Ne was not the real threat to the media. Rather, the problem was the loss of advertising revenue due to the changing demographics of the audience that critical reporting would attract. Editors could point to the example of the *New Yorker*. After its editorial policy changed in 1967 to depict American actions more negatively by including coverage on the effects of American operations on Vietnamese civilians, the magazine's subscriber base became younger and less affluent. The change in demographics among *New Yorker* readers then led businesses to reduce the rates they were willing to pay for advertisements. Although public opinion and media coverage on the war had both become more negative over the course of 1967, the Tet Offensive at the beginning of 1968 led to increasingly critical press coverage of the war. Although most mainstream media did not take avowedly antiwar stances, the shift in public attitudes allowed journalists and anchors to challenge more explicitly the Johnson and Nixon administration narratives on the war, and ensured that an antiwar stance would not hurt profits.[11]

Kendrick Oliver argued that before My Lai emerged as a scandal, the regularity with which American forces killed Vietnamese civilians led to a deadening of moral sensibilities – journalists slowly came to view the high rate of civilian casualties as inevitable during the war. That meant that civilians killed in air strikes, mortar barrages, or due to mistaken identity became part of the background. They were not news fit to print. When combined with editorial support for the aims of the war, the sheer volume of Vietnamese noncombatant deaths further limited the

[11] Oliver, *The My Lai Massacre in American History and Memory*, 19; Hallin, *The "Uncensored War,"* 161-178; Andrew J. Huebner, *The Warrior Image: Soldiers in American Culture from the Second World War to the Vietnam Era* (Chapel Hill: University of North Carolina Press, 2008), 173-206.

reporting of American war crimes in Southeast Asia.[12] What this meant for soldiers was that unless they made atrocity claims in the alternative antiwar press, the media was not a practical outlet for their allegations until after Hersh broke the My Lai story.

Although news coverage of the war was not as uncritical of the war before Tet as some scholars imply, neither was it tainted by antiwar fervor as its critics contend.[13] Though reports appearing in print and on television from 1963-1967 largely supported the war, during 1966 and 1967 they also showed some of the harsher realities of the conflict, including a smattering of abuses directed toward enemy troops and civilians. Even in this context, though, media outlets often paired stories of the negative aspects of the conflict with positive accounts of soldiers assisting Vietnamese civilians.[14] The media's increasingly critical tenor became more pronounced after Tet, but still did not become stridently antiwar in its outlook. In historian David Hallin's words, most reporting remained "dispassionate" and adhered to the established narratives of American reporting – "good" stories were those in which results supported American goals.[15]As it became obvious that the war had devolved into a bloody stalemate, public and editorial support for continued American involvement declined. This shift enabled a media environment in which a frank discussion of American war crimes in Vietnam was possible to develop. Although incidents like the Green Beret case began to receive media attention and public awareness, atrocities received little coverage.[16]

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[12] Oliver, *The My Lai Massacre in American History and Memory*, 24.

[13] Andrew J. Huebner, "Rethinking American Press Coverage of the Vietnam War, 1965-68," *Journalism History* 31, no. 3 (Fall 2005): 151.

[14] Hallin, *The "Uncensored War,"* 166; Huebner, "Rethinking American Press Coverage," 152-156.

[15] Hallin, *The "Uncensored War,"* 174.

[16] Col. Robert Rheault and his men were accused of murder and conspiracy in the death of Thai Khac Chuyen in June, 1969, when three of Rheault's junior officers interrogated and murdered Chuyen. "Robert B. Rheault, Green Beret Commander in Vietnam Scandal, Dies at 87," *Washington Post*, October 26, 2013; "Green Berets

My Lai coverage after November 1969 influenced veterans, who began to step forward with accounts of atrocities in Vietnam. While the majority of veterans eschewed the public eye, some sought out the media to share their experiences. The most strident veterans who wanted to expose war crimes became involved with groups like VVAW or CCI, but others contacted the press as individuals to call for an end to atrocities against civilians, protest the prosecution of Lt. William Calley, or for self-serving purposes. Although they occasionally allied with larger organizations to garner attention, these soldiers exposed what they had seen for their own reasons. As the evidence provided by the U.S. Army's own post-My Lai investigations into atrocities will show, the relationship between soldiers and the media when it came to reporting atrocities was far more complex than previously understood. Soldiers turned to the media, which was willing to carry their stories as news only after the furor over My Lai developed, due to American's growing disenchantment caused by high casualty rates, public opposition to the war, loss of faith in the Army when Calley became the scapegoat for My Lai, and Vietnamization policies after the middle of 1969.

This is a stark contrast to the arguments of revisionist historians like Guenter Lewy and Mark Woodruff, who claimed that American atrocities in Vietnam were different from those in other wars only in the high level of scrutiny given to them. In popular wars such as World War II, governments successfully used media to focus public attention on the enemy's crimes, but in unpopular wars, the public and media blamed their own military for atrocities, even in the absence of evidence.[17] Lewy argues that even before the Tet Offensive in 1968 a credulous media uncritically reported all atrocities attributed to American soldiers as fact because journalists

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Case Dropped," *Milwaukee Sentinel*, September 30, 1969.
[17] Lewy, *America in Vietnam*, 307.

viewed the war as one big atrocity.[18] As a result, what he called the "War Crimes Industry" developed, in which the media raced to peddle sensational stories of American atrocities to an unsuspecting public. Veterans took part in this, in Lewy's analysis, primarily to gain absolution for confessing their perceived sins.[19] As a result, Vietnam veterans became mere pawns used by the media and antiwar activists. By ignoring the variety of justifications that GIs gave when approaching journalists with war crimes allegations, this argument assumes that they had no concerns other than assuaging their consciences. While some soldiers certainly asserted that their consciences would not allow them to remain silent about their experiences in Vietnam, ignoring their other concerns leads to a profoundly simplistic view of how they understood the war and their place in it.

Mark Woodruff took a different tack in his assault on the accuracy of journalists' stories about the Tet Offensive, the conduct of the war, and the issue of atrocities by Americans. Before critiquing journalists who covered the war, Woodruff, a Vietnam veteran, contended that most soldiers had an extremely limited understanding of the war beyond the activities of their own small units. As a result, they relied on secondhand information like civilians did, which Woodruff believed gave them a distorted picture of the war. Veterans were also uncomfortable discussing their combat experiences, creating pat "war stories" to tell people who asked them directly. As a result, even when talking to reporters, soldiers repeated rumors or exaggerated events.[20] In portraying all soldiers' interactions with journalists in this way, not only does Woodruff diminish the experiences and integrity of fellow Vietnam veterans, but he also claims

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[18] Lewy, *America in Vietnam*, 326.
[19] Lewy, *America in Vietnam*, 319.
[20] Woodruff, *Unheralded Victory*, 300.

that GIs who sought out the media were concocting tall tales in the same manner he attributes to those accosted by journalists in the field or on bases. Accepting this false equivalence would require us to ignore the reasons soldiers gave for coming forward to discuss atrocities.

Exposing Atrocities

The new media environment, which was more willing to cover atrocity allegations against American troops, provided soldiers who had attempted to report atrocities to the Army with a new outlet for their claims. Capitalizing on the My Lai publicity in December 1969, former Staff Sergeant Dennis Stout, who served in the 101st Airborne Division's 1/327 infantry, sought out the media in Phoenix after the Army ignored his reports of atrocities to the CID. His experience illustrates two important motivations among soldiers who used the media to report atrocities: frustration at the Army's lack of communication about cases soldiers brought it, and the belief that Lt. William Calley was merely a scapegoat for the My Lai massacre. His assignment as a combat journalist for the division newspaper, *The Screaming Eagle*, put Stout in a position to witness multiple atrocities committed by members of its subordinate units during his service in Vietnam in 1966-67. One memorable incident occurred in the Central Highlands of Vietnam, where an infantry platoon gathered thirty-five women and children in a clearing before leading them in small groups to the tree line where the soldiers killed them. When it came time to write about the July 1967 event, his superiors banned him from publishing the story.[21] If this was the only incident, Stout may have reluctantly kept the murders to himself, but his responsibilities as a journalist showed him a regiment out of control. The Tiger Force platoon

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[21] "Student Tells of Atrocity," *Arizona Republic* (Phoenix), December 13, 1969; Stout Allegation, Feb. 9, 1972; Box 4, Folder 13; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

was not the only group that routinely killed the civilians it encountered. In other incidents, Stout watched twenty-two men rape and kill a Vietnamese woman, saw a medic inject swamp water into a prisoner's veins, and witnessed mass executions in the Song Ve Valley.[22]

The 101st Airborne Division's goal to stop rice production by the valley's 5,000 residents to deprive the Viet Cong of food supplies led to some of the murders. When the farmers refused to leave due to their deep ties to their homes, the soldiers of 1/327 began killing all of the civilians who stayed behind. This tactic played into a second source of the killings – the use of body count to measure success by commanders in Vietnam. Stout claimed that pressure to increase the number of enemy killed helped drive the massacres in the Song Ve Valley because officers could consider the farmers who refused to leave as collaborators with the Viet Cong and include them in their body counts.[23]

After leaving the service, Stout contacted the local media to describe the crimes he witnessed in Vietnam. He did so only after determining that the Army would not take his claims seriously – talking to journalists was his last resort in seeking justice. Like Jay Roberts and Ron Haeberle, the journalists at My Lai, Stout's job was to produce positive accounts of the battalion's exploits on the battlefield. Initially supporting the war, the murders of noncombatants shook his faith in the entire enterprise. The incidents led Stout to seek guidance from a chaplain and a senior NCO, but both men warned him to keep quiet. After that, "I just wanted to stay alive long enough to someday tell people what happened. My moral cop-out was to live through it,

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[22] "Tempe Vet Relates Atrocity Killings," *Tucson Daily Citizen*, December 11, 1969; Stout Allegation, Feb. 9, 1972; Box 4, Folder 13; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[23] "Witness to Vietnam Atrocities Never Knew about Investigation," *The Toledo Blade*, November 8, 2003.

because I couldn't stop it at the time."[24] Immediately after his discharge in February 1969, he contacted the CID with specific information on eight atrocities, including the names of the soldiers involved, and received a promise to investigate, but heard nothing further until 1970. Despite a two-year investigation during which CID interviewed more than one hundred men, uncovering systematic abuses, the Army told Stout that it was halting the investigation because agents could not go behind enemy lines to seek evidence and witnesses.[25] By that time, Stout had taken his case to the local media in Phoenix, telling reporters that while "he would have preferred a military investigation of 'atrocities' he saw," in Vietnam, his efforts to get the military to investigate "hit a dead end."[26]

That was not Stout's only reason for taking his case to the media. The treatment Lt. William Calley received from the military and the press also motivated the former paratrooper: "I was waiting to see how the Calley case was handled. I wanted to see if he was prosecuted or persecuted. If he was persecuted, I knew I would have to do something."[27] Believing that Calley's prosecution was a cynical move by the Army to quell public protest over My Lai generated by Seymour Hersh's exposé, Stout argued, "The Calley thing was a sacrifice made by the Army to pull attention away from the fact that this goes on and is not prohibited."[28] Stout seemed to be seeking reassurance about both American society and his role in the war, telling reporters that speaking out made him feel better, despite the inevitable harassing phone calls he

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[24] "Witness to Vietnam Atrocities Never Knew about Investigation," *The Toledo Blade*, November 8, 2003.
[25] "Witness to Vietnam Atrocities Never Knew about Investigation," *The Toledo Blade*, November 8, 2003.
[26] "Student Tells of Atrocity," *Arizona Republic* (Phoenix), December 13, 1969.
[27] "Student Tells of Atrocity," *Arizona Republic* (Phoenix), December 13, 1969; Stout Allegation, Feb. 9, 1972; Box 4, Folder 13; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.
[28] "Student Tells of Atrocity," *Arizona Republic* (Phoenix), December 13, 1969.

expected to receive because, “It restores my faith in the system. Someone can speak his mind.”[29] This was clearly not Stout’s only concern in reporting atrocities, but it does reflect revisionists’ claims that soldiers who claimed to see atrocities were after something other than justice for the victims.[30]

Stout was not the only soldier to have moral qualms about the atrocities he witnessed in Vietnam to take his concerns to the media. James Henry also used the media to expose American war crimes, but unlike Stout, he did not wait for prompting by any single event. As soon as he was safely out of Vietnam, Henry began his campaign to report atrocities. His extraordinary efforts to report war crimes in Vietnam demonstrate the hurdles facing soldiers who objected to atrocities against noncombatants, including pressure to keep quiet even after returning home. Initially attempting to report the atrocities he witnessed through official channels while still on active duty, Henry turned to the media as a last resort after it became clear that neither the Army nor his Congressional representatives would pursue his allegations. The Army hierarchy’s antagonism toward atrocity claims became clear when the Staff Judge Advocate Henry contacted while stationed at Ft. Hood advised him to wait until he left the service to come forward with his allegations due to the potential for backlash. The CID agent he subsequently met demonstrated the potential risks, angrily asking Henry, “What are you trying to pull?” This reaction convinced Henry to wait until after his discharge to pursue his claims. Eventually he turned to *Scanlan’s Magazine* to report the atrocities he witnessed.[31]

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[29] "Student Tells of Atrocity," *Arizona Republic* (Phoenix), December 13, 1969.
[30] Lewy, *America in Vietnam*, 317-319.
[31] Statement of James D. Henry, Sherman Oaks, California, Feb. 26, 1970; Henry Allegation, Apr. 12, 1974; Box 5, Folder 32; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College

Entering the Army in March 1967, he was in Vietnam by September. Despite his commanding officer Lt. Michael Arida describing him as "a mild hippie" who he sometimes ordered to shave and wear a proper uniform, Henry earned a Bronze Star for his efforts to treat wounded comrades while ignoring his own safety.[32] Other soldiers thought that he acted like a seasoned infantryman when he arrived at his first field assignment in Vietnam. Jon Ingenthron described him as quiet, alert, and nearly fearless under fire – several members of his platoon owed him their lives.[33]

In *Scanlan's*, a short-lived, radical muckraking magazine, Henry claimed that members of Bravo Company 1/35th Infantry committed a series of rapes and murders between October 1967 and February 1968. On February 7, the battalion was in the middle of a search and destroy mission fifteen miles northwest of LZ Baldy, near Cau Lau. After making several failed assaults into a tree line, where they met heavy sniper fire, the company fell back and established a temporary camp for the night. The fruitless battle cost the unit eight men and demoralized the rest, who were bitter at the lack of support from the rest of the battalion.

A renewed assault the following morning met no enemy fire, but it left the men angry about their losses and without a way to vent their frustrations. That changed shortly after noon, when two men from 3rd platoon found an unarmed Vietnamese man hiding in a spider hole. Henry wrote that although the man tried to deny that he was Viet Cong, his limited English kept

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Park, MD; James D. Henry, "The Men of "B" Company," 31.

[32] Message from Colonel Joseph F. H. Cutrona to Winant Sidle, Feb. 22, 1970; Henry Allegation, Apr. 12, 1974; Box 5, Folder 32; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[33] Statement of Jon Martin Ingenthron, Presidio of San Francisco, California, Mar. 20, 1970; Henry Allegation, Apr. 12, 1974; Box 5, Folder 32; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

him from being able to answer questions about communist forces in the area. Given the company's mood, though, "it would have mattered little had the man belonged to the Rotary Club and been sufficiently fluent in English to plead his innocence and loyalty. He was Vietnamese and he was there – that was sufficient to mark him for death."[34] Not satisfied with shooting their prisoner, they held him down while an Armored Personnel Carrier ran over his body.

An hour later Bravo company found a cluster of eight or ten huts arranged around a small clearing. Company commander Capt. Donald C. Reh called a halt, with half the company remaining in the jungle to provide security. Henry and an RTO from 1st platoon settled in to have a cigarette, and heard Lt. Johnny Mack Carter report that his platoon had nineteen civilians in custody. It was normal to gather noncombatants and ask them about the enemy, so the pair did not pay much attention until Carter asked Reh what to do with them. The Capt. asked if he remembered the operation order for the day, and repeated it: "Kill anything that moves."[35] Henry could hear the Captain on the radio trying to get Carter back – realizing that his subordinate might follow his last order too literally. Turning toward 3rd platoon fifty meters away on a small rise, Henry watched two soldiers push a naked teenaged girl into the group of women and children gathered there. After she stumbled into the group, the guards opened fire, leaving all nineteen civilians dead.[36]

What made these murders so different from others Henry witnessed during his service was the large number of victims. He witnessed the executions of at least fifty noncombatants

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[34] Henry, "The Men of "B" Company," 28.
[35] Henry, "The Men of "B" Company," 30.
[36] Henry, "The Men of "B" Company," 30.

before returning to the United States, but most of them occurred in ones and twos.[37] After his first firefight, another medic marched a twelve year-old boy to the back of a boulder and killed him after their platoon leader requested a volunteer.[38] In an October 1967 incident, Henry watched two members of his platoon throw an elderly prisoner off a cliff because he could not make it up the hill they were ascending, and they refused to carry him.[39] Later that month, Henry claimed, members of his platoon raped and killed five Vietnamese women, then reported them as enemy casualties. Although the CID investigation supported most of these claims, it concluded that while the platoon murdered the women while laying an ambush, improperly claiming then as enemy KIA, the rapes did not occur.[40]

Like Stout, Henry chose to bring his war crimes claims to the media as a venue of last resort. The Army rebuffed his attempt to report atrocities, and made it appear that he might face harassment if he persisted. Members of Congress similarly ignored his claims, leading Henry to make detailed allegations in the antiwar press, which eventually provided access to more mainstream journalists. Although he diligently sought a way to report atrocities, he was not looking for notoriety. Instead, Henry reported the atrocities to "make sure these types of incidents do not occur again," and to show that My Lai was not an isolated incident.[41] William

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[37] Henry, "The Men of "B" Company," 30.
[38] Henry, "The Men of "B" Company," 28.
[39] Summary Fact Sheet; Henry Allegation, Apr. 12, 1974; Box 5, Folder 32; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.
[40] Summary Fact Sheet; Henry Allegation, Apr. 12, 1974; Box 5, Folder 32; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; Henry, "The Men of "B" Company," 30.
[41] Statement of James D. Henry, Sherman Oaks, California, Feb. 26, 1970; Henry Allegation, Apr. 12, 1974; Box 5, Folder 32; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

Calley and his troops were soldiers, like those of Bravo Company, who became what the Army made them – people capable of committing war crimes. Singling out and punishing individuals who were "as much the victims as those they murdered" would not stop atrocities in Vietnam.[42] Soldiers, he argued, killed civilians out of "fear, frustration, and hate." American troops thought that the privations they faced were pointless, a trend that grew worse after President Richard Nixon announced troop withdrawals, so they sought revenge against civilians who seemed to sympathize with the enemy. Despite DoD and MACV policies and regulations, the NCOs and officers in a position to prevent atrocities in Vietnam did nothing to stop them – no one ever told Henry or his comrades not to kill civilians in Vietnam. Instead, most atrocities occurred with the knowledge or guidance of superiors. That led Henry to a third motivation for reporting war crimes through the media: to indict civilian and military leaders in the Pentagon who set policy and hid the results from the public. He had lost faith in the Army's hierarchy, and wanted "the people of this country to know what their sons are doing in the name of freedom and democracy."[43]

Henry did not want to expose the perpetrators of atrocities to public humiliation, which is why he did not reveal their identities in his article for *Scanlan's Magazine*.[44] When the CID contacted him to investigate his allegations, he agreed to do so only with the understanding that they were not just looking for scapegoats, arguing that:

> The purpose of this interview and the purpose for divulging the name of the persons who were involved in the incident which will be described in this tape is not to 'get' any of the individuals who were involved in any of these incidents; that the purpose is not to embarrass any of the families or any of the persons

[42] Henry, "The Men of "B" Company," 31.
[43] Henry, "The Men of "B" Company," 31.
[44] Henry, "The Men of "B" Company," 26.

> involved in these incidents, but to make sure that these kinds of incidents do not occur again.[45]

He insisted that he was not trying to defame anyone, and that he based his claims on personal observations, not rumor. Henry expanded on these ideas in a press conference at the Los Angeles Press Club, where he avoided discussing the details of the atrocities in order to focus on his reasons for coming forward.[46] The events he described occurred all over Vietnam, he argued, and incidents were distinguishable only by the number of people killed. Murders of civilians by American troops were so commonplace that the Army took disciplinary action only if they become public, and did nothing to solve the problem that led soldiers to attack noncombatants. Instead, "indicting three men here and four there will not stop the murders and serves only to absolve the United States Army and those who direct it of the blame, the place where it rightly belongs."[47] The military's method of dealing with the cases it prosecuted also kept other soldiers from reporting atrocities that they witnessed, which hid "the magnitude of murder in Vietnam by the United States Army from the American public."[48] That was Henry's key point. He believed that American soldiers would only stop murdering Vietnamese civilians "when people in this country understand why they occur, and instead of pushing the blame on others are willing to

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[45] Statement of James D. Henry, Sherman Oaks, California, Feb. 26, 1970; Henry Allegation, Apr. 12, 1974; Box 5, Folder 32; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[46] Although Henry repeatedly argued that his goal was to stop atrocities, not the war as a whole, he was one of the founders of the Los Angeles chapter of VVAW. Nelson, *The War Behind Me*, 16.

[47] Press Statement by James D. Henry, L.A. Press Club, Feb. 27, 1970; Henry Allegation, Apr. 12, 1974; Box 5, Folder 32; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[48] Press Statement by James D. Henry, L.A. Press Club, Feb. 27, 1970; Henry Allegation, Apr. 12, 1974; Box 5, Folder 32; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

accept their share of the responsibility for them, and only after our soldiers in Vietnam are given better reasons to die than those so far put forth."[49] He summed up his motivation this way: "I want the murder of Vietnamese stopped and I want the military to stop putting Americans in the position of becoming murderers."[50]

Henry's case illustrates why many soldiers who witnessed atrocities did not report them through their chains of command, even if they wanted to do so. He waited to report the massacre on February 8 until he left Vietnam for two reasons. He did not feel that going to his battalion commander was an option because he believed that "the higher commanding officers know of them or at least know of a lot of them." Many of the officers participated in, or witnessed, the atrocities their men committed, so there was no reason to believe that reporting war crimes through the chain of command would have a positive effect.[51] His sense of self-preservation also came into play. On his second day in the field, Henry saw some soldiers stabbing a pig for no apparent reason. When he asked them about it, they told him that if he wanted to live long, he would stay quiet.[52] Other soldiers reinforced the danger of the threat.

Henry confided in fellow medic Nolan Jones that he wanted to file a formal report, but

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[49] Press Statement by James D. Henry, L.A. Press Club, Feb. 27, 1970; Henry Allegation, Apr. 12, 1974; Box 5, Folder 32; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[50] Press Statement by James D. Henry, L.A. Press Club, Feb. 27, 1970; Henry Allegation, Apr. 12, 1974; Box 5, Folder 32; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[51] Statement of James D. Henry, Sherman Oaks, California, Feb. 26, 1970; Henry Allegation, Apr. 12, 1974; Box 5, Folder 32; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[52] Statement of James D. Henry, Sherman Oaks, California, Feb. 26, 1970; Henry Allegation, Apr. 12, 1974; Box 5, Folder 32; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

Jones urged him to wait until he was out of the Army for his own sake, and to "be careful."[53] The warning was made in good faith. Earlier in his deployment, Jones saw members of his unit rape Vietnamese women. Afterward, a soldier named Sawyer, knowing that the incident bothered the medic, told him:

> Doc, I told you before and I am going to tell you again, if you see anything like this going on, just don't say anything about it. You can never tell when you will get in a fire fight and someone will shoot you, in fear that you might say something later on.[54]

Sawyer's warning was effective – the only person Jones told about the rapes was Henry, and he was determined not to get involved or testify in court.

The massacre on February 8 bothered other soldiers, but most of them were not so willing to get involved. John Ingenthron told Henry that he was willing to confirm what happened, but would not step forward on his own. He told investigators that he did not "endorse the publishers of *Scanlan's Magazine* or support their agenda," but would tell them what he knew. Before doing that, though, he wanted the agents to understand that he supported "the United States of America in every way to include their policy in Southeast Asia."[55] Ingenthron was keen to distance himself from *Scanlan's* for a reason. Now known primarily for Hunter S. Thompson's gonzo journalism, it was the newest creation of former *Ramparts* editor Warren Hinckle, III. It

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[53] Statement of James D. Henry, Sherman Oaks, California, Feb. 26, 1970; Henry Allegation, Apr. 12, 1974; Box 5, Folder 32; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[54] Statement of Nolan Sayford Jones, Houston, Texas, Feb. 4, 1973; Henry Allegation, Apr. 12, 1974; Box 5, Folder 32; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[55] Statement of Jon Martin Ingenthron, Presidio of San Francisco, California, Mar. 20, 1970; Henry Allegation, Apr. 12, 1974; Box 5, Folder 32; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

aimed to become the leading muckraking journal of the underground press of the early 1970s.[56] Hinckle had transformed the Catholic literary magazine *Ramparts* into a "rampaging crusader for leftist causes" that was driven into bankruptcy by his profligate spending.[57] By the end of its eight issue run, *Scanlan's* controversial content spurred boycotts by printers due to its "un-American" content and a Nixon administration investigation following publication of a satirical memo linking Vice President Spiro Agnew with a RAND Corporation study analyzing the possibility of canceling the 1972 election.[58]

Other soldiers chose not to report the massacre, demonstrating different concerns than Ingenthron, who had remained quiet because he supported the war in Vietnam. Peter Bonilla remained silent out of fear. Like Ingenthron, he falls outside the model of soldiers who reported atrocities, but nonetheless shared some of their concerns about the consequences of speaking up while still in Vietnam. Since he received most of the blame for shooting the prisoners in the clearing, he may have feared prosecution. During his service in Vietnam, he went by the nickname "Crazy," and CID seemed unable to contact him after his discharge. Like Miller, reporters located Bonilla long after the war. Bonilla claimed that when Carter had asked for volunteers, he stepped forward. Only then did he realize that almost all of the victims were women and children. He did not shoot at them, though some witnesses believed otherwise. Forty

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[56] William McKeen, *Outlaw Journalist: The Life and Times of Hunter S. Thompson* (New York: W.W. Norton, 2008), 135

[57] James Ridgeway, "The New Journalism," *American Libraries* 2, no. 6 (June 01, 1971): 585, http://www.jstor.org/stable/10.2307/25618361?ref=search-gateway:1b00b2f9df0f107c657c60e0c20ac454; William Gillis, "How to Infuriate a Bank, an Airline, Unions, Printing Companies, Immigration Authorities, Canadian Police, Vice President Agnew, and President Nixon in Ten Months: The Scanlan's Monthly Story," in *AEJMC Archives*, proceedings of Association for Education in Journalism and Mass Communication, Toronto, Canada, November 6, 2004, http://list.msu.edu/cgi-bin/wa?A2=ind0411a&L=aejmc&P=46716.

[58] David Armstrong, *A Trumpet to Arms: Alternative Media in America* (Los Angeles, CA: J.P. Tarcher, 1981), 150; Peter Richardson, *A Bomb in Every Issue: How the Short, Unruly Life of Ramparts Magazine Changed America* (New York: New Press, 2009), 155-156; William Gillis, "How to Infuriate a Bank."

years later, Bonilla told journalists who were finally able to track him down, said that he was not responsible for the murders, claiming that:

> I saw women and children and was nuh-uh… There was one real old guy. Rest was women and children. I couldn't do it… I closed my eyes. I don't want to see small kids. A lot of guys thought I had something to do with it because they saw me going up there. Nope. I just turned the other way. It was like this ain't happening.[59]

He did not report the incident because shortly afterward another soldier, who complained that he had not even fired a shot, threatened Bonilla, telling him to keep quiet, or he would not be going home. Surprised, he responded brusquely, "If you're going to do it, just do it." His assailant replied that Bonilla "gotta keep you mouth shut or you ain't gonna go home alive," and that even once he returned home "you better shut up."[60]

The massacre bothered many of the soldiers who witnessed it, but failed to report it. The lieutenants who commanded the APCs attached to Bravo Company were incensed and proclaimed their intent to report the murders.[61] One of the enlisted men, apparently not caring about the consequences, told Lt. Carter that he was "scum."[62] Without any orders, the men grabbed their equipment and headed back into the jungle to continue their patrol. James Henry remembered that some of the men vowed to do something about the massacre, but the intensity of the war diminished their resolve. For others it was just another bad day in a year-long tour of duty.[63] The mood that evening was grim. While most of the solders were willing to accept one or two random killings as a consequence of war, Henry believed that "rounding people up – old

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[59] Nelson, *The War Behind Me*, 30.
[60] Nelson, *The War Behind Me*, 30.
[61] Henry, "The Men of "B" Company," 30.
[62] Henry, "The Men of "B" Company," 30.
[63] Henry, "The Men of "B" Company," 30.

men and little children and women and just – I think it was just total shock to the company. I think they just went, we can't do this."[64] Even Carter, who had ordered his men to kill the women and children, cried afterward; he had not wanted to do it, but said that someone over the radio ordered him to.[65]

Unlike Dennis Stout and James Henry, not all of the men inspired to come forward by Seymour Hersh's exposure of My Lai had previously tried to report atrocities. Terry Reid, who had seen hundreds of dead Vietnamese civilians during his tour of duty with the 4/3 Infantry, believed that he simply did not have the courage to report the war crimes he saw. He told local reporters that in one incident his unit shot into a village at people going about their normal routines. He recalled that, "We counted sixty dead bodies – women, children, and maybe a few old and decrepit men. I couldn't take it, so I went back to the rear with my grenade launcher."[66] Revolted by the things he saw other soldiers doing to noncombatants, including shooting them "down like clay pigeons," Reid kept things to himself while in Vietnam because "a private cannot just get up and say what he thinks."[67] Instead, he "tried to convince myself everything I was doing was right," but found the pattern of rape and murder in Vietnam difficult to take.

Like many other soldiers who reported, avoided, or intervened in atrocities, Reid understood his decisions through the lenses of morality and masculinity. Abusing civilians violated his sense of how soldiers should behave – their job was to fight the enemy and protect the innocent. He initially wondered if his reticence to take part in abuses was cowardice, but

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[64] Nelson, *The War Behind Me*, 13.

[65] Nelson, *The War Behind Me*, 31.

[66] "Former GI Charges New Atrocity: Says He Saw Infantry Shoot Into Village at People Walking," *Baltimore Sun*, November 29, 1969; Reid Allegation, May. 7, 1970; Box 4, Folder 9; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[67] "State Ex-GI Tells 'The Paper' of More Eyewitness 'Atrocities'" *Racine Journal Times*, November 29, 1969.

decided that “he was proud to be a soldier and was not a disgrace to my uniform” while in Vietnam.[68] His failure to stop the abuses haunted Reid. He believed that a real man would have tried to stop the murders he saw, declaring that “What I learned out of war is that [a] man does what he believes in. If I had been a man, I would have probably gone to jail for five years. So I played the game in order to get home.”[69] The furor over My Lai enabled Reid to speak out against his former comrades’ behavior.

Calley as Scapegoat

While their perception that the Army was using Lt. Calley as a scapegoat informed Dennis Stout and James Henry’s decisions to report the atrocities they witnessed to the media, it was not the motivating factor. For these men, Calley’s treatment by the Army represented a breach of faith by the Army with its soldiers. Loyalty was a two-way street, and by making Calley into a scapegoat for My Lai, the Army showed that it did not feel the loyalty to its men that it required from them. For Texan William Patterson and a group of veterans from New Mexico, the belief that Calley was singled out for punishment was indeed the issue that led them to allege atrocities in the press. In Patterson’s case, the My Lai controversy provided a platform to protest the Army’s mishandling of the war. Unlike soldiers who joined the antiwar movement, he contended that the problem in Vietnam was that the United States was not fighting to win. The day after Calley’s conviction for murder, Patterson appeared before television cameras at Fort Bliss, Texas, to turn himself in for murdering Vietnamese civilians, claiming that “I was personally responsible for the death of ten unarmed Vietnamese people. These people were presenting no threat to me, and could have been apprehended and investigated, but I was ordered

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[68] "Ex-GI Says He Viewed Shootings," *The Hartford Courant*, November 29, 1969.
[69] "Ex-GI Says He Viewed Shootings," *The Hartford Courant*, November 29, 1969.

to kill them day after day."[70] Not only was Patterson arguing that if the Army court-martialed Calley should prosecute men like him, along with the officers who order them to shoot.

A former door gunner with the Dragon Platoon of the 334th Armed Helicopter Company, which operated near Saigon, Patterson stated that superiors had ordered him on multiple occasions to shoot unarmed civilians without giving them a chance to surrender. In the first incident, near Duc Hoa in June 1967, he saw nine people who ran from the helicopter. When they hid in the bushes, Patterson fired his M-60 machine gun at them, killing several of the Vietnamese trying to escape. The second incident occurred during a three-day search and destroy mission near Quan Loi, when Captain Willard Bailey and Chief Warrant Officer Robert Bey ordered Patterson to shoot as closely to unarmed people he saw as possible. If they stood still, they were friendly, but anyone who ran was the enemy. On this mission, Patterson claimed that he killed an old man on a bicycle who jumped off it and ran toward a rubber plantation.[71]

By demanding that the Army arrest him for his war crimes, Patterson was making a statement about the conviction of Lt. William Calley for murder at My Lai. No longer on active duty, he was not in danger of being prosecuted by the Army, and it was hardly his goal to go to prison. By arguing that he was just as guilty as Calley, Patterson was condemning the trial.[72] His wife, Barbara, explained his reasoning by telling reporters "if one man is convicted for this (killing Vietnamese civilians), then why shouldn't all the others who did it be punished, too?"[73] Patterson disagreed with the verdict, asserting that every soldier in Vietnam obeyed orders to kill

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[70] "Confession Delivered," *Corpus Christi Times*, April 2, 1971; "Former GI Confesses to Killings," *El Paso Herald Post*, April 2, 1971.

[71] Patterson Allegation, Jan. 13, 1972; Box 12, Folder 87; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[72] "Investigators Question Veteran," *El Paso Herald Post*, April 7, 1971.

[73] "Former GI Confesses to Killings," *El Paso Herald Post*, April 2, 1971.

civilians. With his very public act of protest, he gave voice to many soldiers, veterans, and even members of the antiwar movement who disagreed with the Army's handling of the case.

Not all former soldiers opposed to Calley's conviction shared Patterson's view of the war. Seven veterans who believed that high-ranking officers were responsible for atrocities in Vietnam protested the verdict by trying to surrender to Albuquerque police as war criminals. Christopher Vineyard claimed that he killed even more "innocent civilians than Calley" as part of his job as a forward air controller, in which he directed the bombing of villages. The group believed that the court-martial was an attempt to "blame the entire war on one man. We want to share his burden." Speaking for his fellows, R.T. Maland argued that soldiers in Vietnam were just following the orders of Department of Defense officials at the Pentagon. By turning themselves in, they contended that they were taking "our share of the responsibility" for atrocities in Vietnam, and that the Pentagon should follow suit.[74]

Self-serving Reports

No discussion of soldiers using the media to allege American atrocities in Vietnam is complete without acknowledging those who sought immediate personal benefits. Some GIs hoped to justify their desertion from the ranks, while others sought reduced prison terms. My Lai defendant Sergeant Esequiel Torres also used the media to make atrocity allegations of his own.[75] Unlike Dennis Stout, Torres' revelations of Americans torturing prisoners in a stucco house near Chanh Luu were entirely self-serving. His break of faith with the Army is obvious – he believed that he was merely following orders at My Lai, and that if the Army was prosecuting him, it

[74] "Veterans Try to Surrender to Albuquerque City Police," *Las Vegas Optic*, April 1, 1971.

[75] Torres was one of three enlisted men charged for their actions at My Lai, and faced charges of murder and attempted murder. Ted Sell, "Army Accuses Capt. Medina, Four Others of My Lai Crimes," *Los Angeles Times*, March 11, 1970.

should also prosecute the officers who ordered the massacre, along with those who set the policies they followed. Through his lawyer, Charles Weltner, Torres accused MACV commanders General Creighton Abrams and General William Westmoreland of allowing American forces to torture enemy prisoners without taking disciplinary action. Torres and Weltner filed formal charges under the UCMJ against the two generals.[76] The complaint claimed that American soldiers beat and water-boarded Vietnamese prisoners in the village of Chanh Luu in the presence of Abrams and other senior officers.[77] Torres' first goal in accusing Westmoreland was to delay his own court-martial for murder.[78] To further bolster his defense, Torres told reporters that his understanding of the Peers' Commission's findings meant that "General Westmoreland is responsible for whatever casualties were inflicted on Vietnamese civilians at Mylai."[79] This legal strategy relied on the United States' prosecution of Japanese General Tomoyuki Yamashita for the atrocities committed by his troops during World War II. Torres argued that even if Westmoreland did not directly order him to kill civilians that day, the General was derelict in his duty for not preventing or prosecuting such crimes.[80] These charges were not merely a legal ploy in the My Lai case; Weltner argued that his client wanted to "bring the Army face to face with reality and with the hypocrisy of trying teenagers for war crimes when generals were involved in them as well."[81]

Other soldiers facing court-martial or prison terms also chose to expose atrocities. Their

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[76] "Says Abrams Allowed Torture," *Daily Kennebec Journal*, October 29, 1970; Torres Allegation, Jul. 2, 1971; Box 16, Folder 161; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.
[77] James T. Wooten, "My Lai Defendant Accuses Abrams," *New York Times*, October 29, 1970.
[78] "Sergeant in Songmy Case Says Westmoreland Must Take Blame," *New York Times*, September 10, 1970.
[79] "Sergeant in Songmy Case Says Westmoreland Must Take Blame," *New York Times*, September 10, 1970.
[80] "Sergeant in Songmy Case Says Westmoreland Must Take Blame," *New York Times*, September 10, 1970.
[81] "General Accused in Torture Incident," *Billings Gazette*, October 29, 1970.

immediate motivation for alleging war crimes in the media is obvious – they were trying to justify their acts of desertion. However, these soldiers had also lost faith in the military and the government as forums to gain redress for the problems they perceived in the war. Just a month after My Lai became a public scandal, Sgt. James R. Weeks, a deserter from the United States Army, appeared in a Paris press conference sponsored by the World Foundation of Democratic Youth to denounce American war crimes in Vietnam. Weeks, a medic with 1/4 Cavalry, claimed that while preparing for Operation Johnson City (May – June, 1967) in Tay Ninh Province, officers instructed their troops to make no distinctions between soldiers and civilians.[82] While neither the Army's investigation into Weeks' claims nor the newspaper articles about the press conference attribute any motives to him, the forum he chose suggests that he was working to undermine American credibility. The other two participants, Pham Thi Lien and Vo Thi Lien, were young Vietnamese women who also claimed to witness American atrocities in Vietnam. Both women were touring Europe to expose war crimes by U.S. troops. Vo Thi Lien told audiences that she witnessed the My Lai Massacre, but escaped. Her companion, Pham Thi Lien, claimed that U.S. Marines killed and mutilated three hundred noncombatants at Ba Lang Am, Quang Ngai Province, on January 13, 1969, during Operation Russell Beach.[83]

The fact that the World Foundation of Democratic Youth (WFDY) sponsored the press conference and the Vietnamese women's European tour suggests that Weeks had concerns other

[82] Miss Lien/Weeks Allegations, Mar. 16, 1971; Box 4, Folder 16; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; "GI's Are Charged With Slaying 300," *Baltimore Sun*, December 20, 1969.

[83] Miss Lien/Weeks Allegations, Mar. 16, 1971; Box 4, Folder 16; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; "GI's Are Charged With Slaying 300," *Baltimore Sun*, December 20, 1969.

than exposing American atrocities. The Soviet Union founded the WFDY and sister organization the International Union of Students (IUS) in the aftermath of World War II. On the surface, both organizations had anti-fascist aims, but ultimately parroted Soviet policy goals. Their intent was to act as militant spokespeople for university students and youth, join the struggle against colonialism, and generally oppose the West.[84] The IUS and WFDY were integral parts of international Communism, sponsoring youth festivals in Prague, Budapest, and Berlin from 1947-1951 to promote Soviet policy goals, while trying to obscure who controlled them. Two events illustrated the close ties between the Soviet hierarchy and IUS and WFDY: Alexander Shelepin's promotion to head the KGB while head of IUS, and the IUS' support for the Communist coup in Czechoslovakia despite the opposition of local student unions.[85]

His ties to Pham Thi Lien, Vo Thi Lien, and WFDY imply that Weeks shared their agenda – to end the war in Vietnam and weaken American influence abroad using the issue of war crimes by American troops. If his hope was to expose Americans to additional reports of atrocities, Weeks failed, as the event was poorly covered. Of the country's major newspapers, only the *Baltimore Sun* reported the event – and it devoted only one twelve-inch column to the three speakers, with Weeks' claims an afterthought in the final paragraph. That this event, which featured an alleged Vietnamese witness to the My Lai massacre and an American soldier discussing other atrocities, received so little attention from the media serves as a stark counter to claims that news organizations uncritically reported atrocities regardless of the reliability of the source.

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[84] Philip G. Altbach, "The International Student Movement," *Journal of Contemporary History* 5, no. 1 (1970): 160-163.

[85] Joël Kotek, "Youth Organizations as a Battlefield in the Cold War," *Intelligence and National Security* 18, no. 2 (July 8, 2003): 170.

Where Americans could easily ignore Weeks as a Communist dupe or dismiss Torres as desperate to escape justice, Sgt. David B. Johnson was harder to disregard because before deserting he was an elite soldier and All-American boy. His faith in both the Army and the war was destroyed by a pair of incidents that motivated him to speak out on atrocities and the horrors of the war. A Green Beret who advised the 101st Airborne Division's Tiger Force, Johnson earned a Bronze Star for his dedication under fire.[86] He deserted from a military hospital and fled to Canada in September 1968. By that point in his military career, the horrors he witnessed overcame his dedication to the American mission in Vietnam. Johnson joined the antiwar movement, but because he was serving a four-year prison sentence at Ft. Leavenworth, Kansas, for being absent without leave, the former Green Beret had to flee the country when he escaped.[87] It took significant emotional trauma to change Johnson's attitudes about the war. That a soldier who described himself as having "John Birch Society type of background," and believed that he was "defending the Free World against communism," deserted to join the peace movement indicates the level of emotional trauma he experienced.[88] By fleeing, Johnson cut himself off from his family. Visiting his mother after his escape, he received two hours' grace before she threatened to turn him in.[89]

Johnson's belief in the war changed the day he killed a seven year-old girl holding two grenades. Despite the danger, it still took three orders to fire to get him to pull the trigger. Johnson met the girl's mother later – she admitted telling her daughter to throw the grenades at

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[86] "U.S. Deserter Says Killing Altered View," *Los Angeles Times*, January 1, 1972.
[87] "Deserter's Mother Says He Is Exaggerating," *Los Angeles Times*, January 2, 1972.
[88] "U.S. Deserter Says Killing Altered View," *Los Angeles Times*, January 1, 1972.
[89] Johnson's mother refused to allow newspapers to report he name because she wanted to avoid the embarrassment his desertion and antiwar activities might cause. "U.S. Deserter Says Killing Altered View," *Los Angeles Times*, January 1, 1972; "Deserter's Mother Says He Is Exaggerating," *Los Angeles Times*, January 2, 1972.

the first soldiers she saw. Believing that the girl he killed never really understood what was happening, the incident shook Johnson.[90] Although he had not committed an atrocity, from that point, Johnson said that "the horror of what I saw day after day just built up inside me, and when I was wounded I had plenty of time to think."[91]

After sneaking out of the hospital, Johnson disguised himself as a priest and traveled to Europe on a false British passport. The atrocities he witnessed while working with the Tiger Force led Johnson to the antiwar movement. Killing a grenade-wielding child led to his change of heart, but it was not the only horror he witnessed in Vietnam. On August 23, 1968, in the A Shau Valley, he claimed that members of Tiger Force put grenades on the necks of a group of prisoners they were escorting. They detonated the explosives one at a time because they had no way to guard the prisoners.[92] The following day, Johnson alleged that he watched an interpreter from the Army of the Republic of Vietnam push two prisoners from a helicopter. In a third incident at the end of the month, near Huế, Johnson reported that a soldier hit the driver of a motor scooter in the head as he passed, causing him to die in the crash.[93] In a particularly disturbing incident, he alleged that soldiers he advised tortured a village chief suspected of having Communist sympathies. When the chief would not confess, American troops "tied his daughters to trees in front of him and cut off one of each girl's breasts."[94] Johnson tried to report the abuses to his superiors, but they told him to keep it to himself. The cumulative effect was to

[90] "U.S. Deserter Says Killing Altered View," *Los Angeles Times*, January 1, 1972.
[91] "U.S. Deserter Says Killing Altered View," *Los Angeles Times*, January 1, 1972.
[92] Johnson Allegation, Jun. 25, 1974; Box 21, Folder 246; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; "He's Ashamed of America, Says Bronze Star Deserter," *Los Angeles Times*, December 31, 1971.
[93] Johnson Allegation, Jun. 25, 1974; Box 21, Folder 246; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319.
[94] "He's Ashamed of America, Says Bronze Star Deserter," *Los Angeles Times*, December 31, 1971.

make the former Green Beret, who had twice volunteered for service, ashamed of his country.[95] In interviews, Johnson told reporters that the atrocities he witnessed in Vietnam turned him against both the war and the U.S. Army.

Political Protest

Some soldiers who used the media to allege atrocities in Vietnam did so not to oppose the war, out of self-interest, or even to protest Lt. Calley's conviction, but to make political statements about the conduct of the war. David Mittelstaedt, who was still on active duty, had lost faith in the Army's desire to win the war in Vietnam, much less its will to punish soldiers who killed innocent civilians, or relieve incompetent officers. In his hometown newspaper, Mittelstaedt, a combat engineer who served with the 19th Engineering Battalion near LZ English, claimed that he witnessed several war crimes in Vietnam. He alleged that his commanding officer, Lt. Col. Donald Wisdom, killed two children scavenging in the base dump, issued unlawful orders to base guards to shoot civilians, ordered the destruction of private property, failed to aid American troops under fire, and shot a junior officer in the leg.[96] Despite these allegations, Mittelstaedt's focus was primarily on the ineptitude of Army leaders and their lack of emphasis on winning the war. In the post-My Lai media, he found a platform to criticize the *conduct* of the war.

Mittelstaedt said that he understood how incidents like My Lai occurred, saying that "the company commander probably just got tired of writing letters home to parents that their sons

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[95] "He's Ashamed of America, Says Bronze Star Deserter," *Los Angeles Times*, December 31, 1971.

[96] Mittelstaedt Allegation, Nov. 5, 1970; Box 7, Folder 46; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

were killed or wounded."[97] He blamed My Lai on soldiers' pent up anger at policies that prevented them from shooting first, which they could only understand as "politics." Only being able to take action after an attack meant that his battalion took 375 casualties during his tour of duty. Fifty percent of the local population near LZ English was Viet Cong, Mittelstaedt claimed, and leaving their villages unmolested was a sign that the United States was not fighting to win. Residents passed information to the enemy, and would not tell American troops about traps, ambushes, or enemy supplies when they patrolled the area. Restrictions on destroying villages frustrated him because "you don't sit outside an enemy village and not touch it. We did it in World War II. Now they say we can't do that."[98]

The event that angered him most was when another engineering unit working to pave Highway 1 on Vietnam's east coast was ambushed near Tam Quan village. When the unit radioed for help, the battalion executive officer gathered 150 volunteers to relieve the beleaguered engineers, but he believed that Lt. Col. Wisdom called off the rescue attempt because he did not want to risk taking any casualties. Out of the twenty-one men in the ambushed platoon only one survived. Mittelstaedt claimed that the incident was another example of the United States not fighting to win the war.[99]

In his account, Wisdom's actions represented the concerns that led Mittelstaedt to lose faith in the Army and its leaders. To illustrate the problems he saw in Vietnam, he claimed that in another incident the battalion commander went up in his helicopter to ensure that he had enough flight time to retain the bonus pay that came with it. While flying over the battalion

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[97] "Waukeshan Says U.S. 'Not Out to Win the War'" *Waukesha Daily Freeman*, January 20, 1970.
[98] "Waukeshan Says U.S. 'Not Out to Win the War'" *Waukesha Daily Freeman*, January 20, 1970.
[99] "Waukeshan Says U.S. 'Not Out to Win the War'" *Waukesha Daily Freeman*, January 20, 1970.

dump, Wisdom saw two children, and ordered his pilot to fly lower so he could shoot them with his M-16 rifle. Mittelstaedt claimed that the event was in line with Wisdom's orders to camp guards to shoot on sight all civilians in the dump area, but that most of the battalion's enlisted men refused to comply with the order because "most of us liked kids." When the guards were not willing to shoot, they called the orderly room, and the first sergeant or commanding officer would come to shoot the civilians in the dump.[100] On another occasion, Wisdom and the guard shot two children under the age of six, and when their mother tried to climb the perimeter fence, they shot her, too.

Mittlestaedt contended that seeing friends wounded or killed for no reason, watching children killed for scavenging in the dump, and the overall lack of effort to win the war hurt morale. He believed that the result was endemic drug use that the Army did little to stop, and growing support among soldiers for the antiwar movement. He did not support the protesters because he saw them as anti-government, and "I figure we have the best government in the world," but the average soldier in Vietnam wanted the demonstrations to continue so they could come home sooner, since, "Nobody over there believes in the war."[101] This was Mittlestaedt's primary concern in turning to the media with war crimes claims – he believed that American troops and Vietnamese children were dying for no reason because the United States was playing a "game" in Southeast Asia designed to "test weapons and train troops," rather than win the war. The incidents Mittelstaedt alleged refer back to his lack of faith in the Army and American political leadership to support its troops or to fully prosecute the war in Vietnam. His comments about using Southeast Asia as a laboratory to test new weapons and tactics presaged later

[100] "Waukeshan Says U.S. 'Not Out to Win the War'" *Waukesha Daily Freeman*, January 20, 1970.
[101] "Waukeshan Says U.S. 'Not Out to Win the War'" *Waukesha Daily Freeman*, January 20, 1970.

critiques of the war, in which both active duty military officers and peace activists made similar claims about the conduct of the war.[102]

Exposing the futility of Army policy in Vietnam and its effect on soldiers was so important to Mittelstaedt that the alleged war crimes he reported were apparently hearsay – he admitted to CID investigators that he did not have direct knowledge of any of the incidents he reported in the media.[103] He overheard and misunderstood a discussion of a June 1968 ambush of a platoon from the 137th Light Equipment Company in which nineteen engineers perished. Where Mittelstaedt had blamed Wisdom for the loss of life, Lt. Frank Riggs, in command of the 137th's other platoon, told CID investigators that Lt. Col. James Sutton, who was in command of the 19th Engineering Battalion at the time, had done everything he could to save the ambushed soldiers. Riggs claimed that Maj. Gen. Barnes, the CO of the 173rd Airborne who was supposed to send troops rescue the engineers, falsified his after-action reports to make it appear that Sutton had chosen not to make a rescue attempt.[104]

Mittelstaedt's other accusations against Lt. Col. Wisdom also relied on sketchy secondhand information. Two Vietnamese children were killed at the 19th Engineering Battalion's dump after it became off-limits to civilians for safety reasons. Lt. Riggs told investigators that SP5 Roger Waldren accidentally killed the pair after yelling and firing warning shots over their heads. Waldren fired a second set of warning shots into the ground near the

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[102] Cecil B. Currey, *Cincinnatus: Self Destruction* (New York: W.W. Norton & Company, 1981), 52.

[103] Statement of SP5 David L. Mittelstaedt, Company D, 32nd Signal Battalion, Hoechst, Germany, Feb. 16, 1970; Mittelstaedt Allegation, Nov. 5, 1970; Box 7, Folder 46; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[104] Statement of Edward M. Ayers, Criminal Investigator, Ft. Dix, New Jersey, Sep. 11, 1970; Mittelstaedt Allegation, Nov. 5, 1970; Box 7, Folder 46; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

children, but the ricochets killed them.[105] Similar problems existed with Mittelstaedt's other claims. He never pulled guard duty at the dump and was unaware of the standing orders for defending the perimeter. Capt. Leonard Good and Lt. Col. Wisdom both described dump security measures similar to SP5 Waldren's action – guards contacted the orderly room when Vietnamese attempted to get into the dump, and then an officer or senior NCO would give the order to fire warning shots. Local village chiefs were all notified of the new rules, which Wisdom implemented after discovering two attempts to infiltrate the base through the dump.[106]

Far from being a hardened combat veteran, Army records show Mittelstaedt as a personnel clerk who told a reporter a series of stories that he heard secondhand. Battalion Sergeant Major David C. Lay told investigators that Mittelstaedt was not a bad person, but was surprised that he had given the interview. He believed that Mittlestaedt was immature and had "attempted to get some limelight for himself." The NCO thought that Mittlestaedt had "taken bits and pieces of information out of context" and made them into a "good war story" to impress someone about his service in Vietnam.[107] Mittelstaedt remained on active duty in West Germany after the interview, and he knew that his candor might cause him problems. The *Waukesha Daily*

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[105] Statement of Edward M. Ayers, Criminal Investigator, Ft. Dix, New Jersey, Sep. 11, 1970; Mittelstaedt Allegation, Nov. 5, 1970; Box 7, Folder 46; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[106] Statement of Lieutenant Colonel David A. Wisdom, Ft. Belvoir, Virginia, Mar. 20, 1970; Mittelstaedt Allegation, Nov. 5, 1970; Box 7, Folder 46; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; Statement of Leonard L. Good, Ft. Belvoir, Virginia, Jun. 23, 1970; Mittelstaedt Allegation, Nov. 5, 1970; Box 7, Folder 46; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[107] Statement of SGM David C. Lay, Ft. Leonard Wood, Missouri, Oct. 8, 1970; Mittelstaedt Allegation, Nov. 5, 1970; Box 7, Folder 46; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

Freeman article noted that he appeared nervous, chain-smoking during the interview, and worried about what "they would do to him" after the story appeared.[108] Mittelstaedt may have believed any potential consequences were worth the attention he received. That he feared repercussions from the Army lends some credibility to the idea that he made his false claims of war crimes for a greater purpose than trying to impress someone in his hometown.

Conclusion

While the American media had virtually ignored American atrocities in Vietnam before Seymour Hersh's explosive exposé of the My Lai Massacre in November 1969, a deluge of atrocity allegations followed as journalists began to report stories previously inhibited by editorial and public sensibilities. This was not the result of an "atrocity industry," nor solely the result of soldierly bravado or media bias. Instead, media reports of atrocities were the result of an important change in how soldiers, journalists, editors, and the public viewed the war. Soldiers and veterans took their allegations to local and national media outlets to satisfy a large range of their own needs. While some did seek absolution for their actions (or inaction) in Vietnam, as Lewy believes, that was far from the only reason that soldiers and veterans came forward in the media. Soldiers like James Henry and Dennis Stout used the media to report atrocities only after their attempts to use official U.S. Army channels failed to produce results. Other veterans, like William Patterson, alleged atrocities in local media to protest Lt. William Calley's conviction for murder, or to gain a platform to criticize the conduct of the war.

Most soldiers who reported atrocities did so in good faith. While some soldiers used the media to report atrocities for their own benefit, they appear to have been a minority of the

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[108] "Waukeshan Says U.S. 'Not Out to Win the War'" *Waukesha Daily Freeman*, January 20, 1970.

soldiers relying on media. Even soldiers like David Mittelstaedt, who based his allegations on hearsay and rumor, expected to face harassment from veterans, other soldiers, or the U.S. Army. While in his case there was no obvious personal gain other than notoriety, My Lai defendant Esequiel Torres and deserter David Johnson clearly hoped to reduce the criminal penalties they faced. With the exception of Mittelstaedt, most of the soldiers who sought out the media did so to report events that they witnessed. A few soldiers, such as Private Ronnie G. Allen, seemed to use atrocities to gain notoriety – he told photojournalist John Rose that he had seen prisoners pushed from a helicopter, but he had never actually been in the field. When questioned by CID in January 1972, the Long Binh prison guard admitted that his statements in *Oz Magazine* were false.[109] These self-serving efforts were a minority of the cases in which soldiers used the media to allege atrocities. At the same time, just like the good-faith reports, they present an opportunity to examine the soldiers' concerns during the war.

The soldiers who reported atrocities were a small minority of those who served in Vietnam. Many soldiers who served, even those bothered by the crimes they witnessed, remained silent. Robert D. Miller and John Ingenthron likely represent this group of witnesses. When questioned about the massacre by members of Bravo Company, 1/35 on February 8, 1968, Miller said that before that day he could not imagine anything worse than dodging bullets and watching friends die. Despite cooperating with CID investigators in 1972, he did not make any public statements about the incident until journalists interviewed him forty years later. Miller had remained silent because he believed that revealing the incident in 1972 would only hurt the

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[109] Allen Allegation, Mar. 9, 1972; Box 18, Folder 220; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

country and not change anything in Vietnam.[110] Ingenthron had different reasons for his reticence – he supported the war and American policies, and clearly did not want anyone to associate him with the antiwar movement. This helps explain why only the veterans most bothered by atrocities reported them, and why it was so easy for supporters of the war to diminish their claims. Although some of the soldiers who used the media to report atrocities did so for personal gain, many GIs who fervently desired to fix the problems they saw in the conduct of the war, but assumed the government unwilling to adjust Army policies and tactics that led to atrocities, used the media to report American war crimes. This subset of Vietnam veterans understood the potential risks of taking the public stage, but believed that the press had such a prominent role in the American system that their efforts to publicize atrocities in the media would lead to significant change.

[110] Nelson, *The War Behind Me*, 27.

CHAPTER 6

TAKING TO THE STREETS

"Our naïve belief was that the testimony of one hundred twenty-five American combat veterans would simply end it, that an America already shocked by war crime and already turning toward calls for peace would simply demand an end to the slaughter of innocents and the waste of our brothers." - Bill Crandell[1]

The soldiers who reported atrocities in the media, regardless of their goals, still expressed belief in the American system. After My Lai became a public scandal at the end of 1969, soldiers who had alleged atrocities in the press believed that they would get a fair hearing. That residual belief in American institutions separated them from their more disgruntled brethren who joined the antiwar movement in increasing numbers after President Richard Nixon announced the first American troop withdrawals in July 1969. The numbers of GIs in the antiwar movement swelled again when Lt. Calley was convicted for murder at My Lai and the Army painted Charlie Company as an unfortunate aberration. Vietnam Veterans Against the War (VVAW) and the Citizens Commission of Inquiry into United States War Crimes in Indochina (CCI) sought to attract veterans to their antiwar efforts by arguing that atrocities in Vietnam were the result of American policies, tactical doctrines, standard operating procedures, and institutional racism

[1] Quoted in Nicosia, *Home to War*, 86.

toward the Vietnamese.[2] The only way to end the abuses directed at Vietnamese noncombatants was to end the war.

While revisionist historians contend that antiwar organizations, individual soldiers, and journalists primarily sought to profit as incarnations of the "war crimes industry," VVAW and CCI used the developing public issue of American war crimes in Vietnam as an important part of their crusade to end the war rather than as an enterprise intended to earn money or garner fame. Soldiers who joined VVAW and CCI had their own religious, political, or ethical reasons for participating, but shared common goals: eliminating atrocities by American troops and ending the war. VVAW founder Jan Barry naively believed that merely showing the American public the endemic nature of war crimes in Vietnam would lead to a great outcry to bring the troops home.[3] Failing to achieve that goal, VVAW and CCI's focus on atrocities still helped draw Vietnam veterans into the antiwar movement in greater numbers, and helped extend and invigorate a broader GI movement during the early 1970s.

Vietnam Veterans Against the War

Vietnam Veteran Against the War originally began as a small part of the antiwar movement that sought to educate the public about the realities of the Vietnam War. From that modest goal, it grew into a national organization dedicated to ending the war, exposing American war crimes, and improving conditions in Veterans Administration hospitals. Along the way, it spearheaded recognition of PTSD and the development of rap groups to help veterans readjust to

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[2] James Long, "War Atrocities Termed Commonplace," *Oregon Journal* (Portland), October 28, 1970.
[3] Jan Barry Crum adopted "Jan Barry" as his *nomme de plumme* shortly after founding Vietnam Veterans Against the War with six other Vietnam veterans. Richard Stacewicz, *Winter Soldiers: An Oral History of the Vietnam Veterans Against the War* (New York: Twayne Publishers, 1997), 28; Nicosia, *Home to War*, 23-26.

civilian life.[4] VVAW became notorious for its use of *ad hoc* war crimes hearings and the spectacle of members returning their medals by throwing them onto the steps of the Capitol building. VVAW had modest beginnings – just a banner created by the organizers of the 1967 Spring Mobilization in New York City. Veterans for Peace, an antiwar group composed primarily of World War II and Korean War veterans, hoped to attract soldiers recently returned from Vietnam to help in the struggle to end the war. What they got were six Vietnam veterans, including Jan Barry, who had served in Vietnam in 1963.[5] No Vietnam veterans attended the VFP meetings, so Barry tracked down as many veterans as he could in New York City, eventually locating enough like-minded former soldiers to found Vietnam Veterans Against the War in June 1967.[6] The nascent organization was already alienated from government institutions, and took its campaign to end the war to the public. By November VVAW raised enough money and gathered enough signatures to purchase ad space in the *New York Times* to release a joint founding statement that read:

> We believe that the conflict in which the United States is engaged in Vietnam is wrong, unjustifiable, and contrary to the principles on which this country was founded. We join the dissent of millions of Americans against this war. We support our buddies in Vietnam. We want them home alive. We want them home now. We want to prevent any other men from being sent to Vietnam. We want to end the war now. We believe that this is the highest form of patriotism.[7]

Carl Rogers joined VVAW shortly after its founding, quickly becoming its Vice President and

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[4] Rap groups developed through collaboration between Jan Barry and psychologist Robert Jay Lifton to address veterans' psychological health after returning from the war. Sessions included VVAW members and psychologists, and largely consisted of the veterans discussing their experiences during the war and after returning to the United States. Lifton and psychologist Chaim Shatan assisted the veterans by providing professional support. Hunt, *The Turning*, Kindle 1846-1867; Lifton, *Home From the War*, 75-95; Stacewicz, *Winter Soldiers*, 271.

[5] Melvin Small, *Antiwarriors*, 62; Andrew E. Hunt, *The Turning*, Kindle 86.

[6] Hunt, *The Turning*, Kindle 86; Gerald Nicosia, *Home to War*, 15-17.

[7] Hunt, *The Turning*, Kindle 318.

primary spokesman after he publicly denounced the war on his return to New York City. Clean cut like most of VVAW's early members, Rogers was a devout Christian who served as a chaplain's assistant at Camh Ranh Bay. Because of his position, many soldiers told him about the ravages of the war. Rogers became convinced that the war was immoral because the Army's obsession with kill ratios and body counts, which seemed more like hunting for a quota than warfare. The big questions facing Barry and Rogers were how to organize, how to reach out to new potential members, and how to work most effectively to help end the war.[8]

This early incarnation of VVAW had no desire to be a national movement – its members wanted local chapters to work independently toward a common goal. The major effort was to recruit Vietnam veterans, who were difficult marks because many were suspicious of organizations, authority, and group work. Despite these challenges, the organization grew. Lt. William Crandell, who had supported the war until General William Westmoreland called the 1968 Tet Offensive a great victory for the United States, was typical of new members – political moderates who rejected radicals and the counterculture. These antiwar activists appealed to average Americans with their military background, short hair, suits, and avoidance of drugs and acts of civil disobedience. Still, they often received bitter reactions from supporters of the war and other veterans. Several VVAW members found themselves estranged from their families due to their involvement in the antiwar movement.[9]

Engaging in partisan politics during the 1968 presidential campaign proved disastrous – the focus on electing Eugene McCarthy led most members to leave VVAW. Seymour Hersh's reporting on My Lai, the brutality of the massacres at Kent State University and Jackson State

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[8] Hunt, *The Turning*, Kindle 363; Nicosia, *Home to War*, 18.
[9] Hunt, *The Turning*, Kindle 420-484.

College, and the invasion of Cambodia provided the impetus to revive VVAW.[10] The November 15, 1969, Vietnam Moratorium March on Washington, D.C. came only two days after Hersh's bombshell articles about My Lai hit the press. The horrors he described generated a new wave of antiwar Vietnam veterans whom civilian protest organizers simply did not understand because they had never served in combat. Jan Barry once again took a leadership role that civilian activist leaders could not provide, but the soldiers who formed the second incarnation of VVAW were angrier and more radical than their predecessors, wearing their uniforms, combat boots, and long hair. The squalid conditions of VA Hospitals politicized many of them.[11] By exposing My Lai, Hersh provided them an opportunity to effectively use American atrocities against civilians as part of their antiwar campaign.[12]

This second wave of antiwar veterans was the product of the heaviest fighting of the war, and had served as casualty rates soared and public support dwindled. While the invasion of Cambodia was a watershed event for the greater peace movement, which had lost some of its *raison d'être* to Nixon's Vietnamization program, Hersh's exposé of the My Lai Massacre and the subsequent press coverage of Lt. Calley's court-martial for murder of Vietnamese civilians provided the biggest boost for the GI movement. Before My Lai became a scandal, Jan Barry recalled, veterans felt they could not discuss war crimes in public because even the most radical members of the peace movement would not believe that American soldiers really did such

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[10] Hunt, *The Turning*, Kindle 665-696.

[11] Nicosia, *Home to War*, 53; Hunt, *The Turning*, Kindle 794-855.

[12] Tod Ensign, "Organizing Veterans Through War Crimes Documentation," *Viet Nam Generation: A Journal of Recent History and Contemporary Issues* 5, no. 1-4 (March 1994), accessed June 6, 2013, http://www2.iath.virginia.edu/sixties/HTML_docs/Texts/Narrative/Ensign_War_Crimes.html; Hunt, *The Turning*, Kindle 753.

horrible things.[13] During 1970 and 1971, however, war crimes became the major theme that VVAW focused on, eventually leading it to plan war crimes hearings at the local and national level. Even with their new ability to discuss alleged atrocities in public, Jan Barry and other VVAW leaders remained reticent. It was a big step to accuse their comrades of committing war crimes, and they did not want to produce more scapegoats for the Army to put on trial as had happened to Calley. The goal in dragging war crimes in Vietnam into public view was to expose the policies and leaders who approved them as the primary causes of atrocities. VVAW leaders argued that individual solders were not to blame – the tactics, standard operating procedures, and racist attitudes toward the Vietnamese fostered by the Army led to atrocities.[14] Because atrocities were inherent in American methods and outlook, they believed that the only way to end atrocities in Vietnam was to end the war.[15]

Organizer Joe Urgo believed that VVAW needed a bolder statement than the average protest march to capture the public's attention and bring the reality of the war home, inspire veterans to join, and gain media attention.[16] The result was Operation Rapid American Withdrawal (RAW), in which over two hundred combat veterans marched the ninety miles from Morristown, New Jersey, to Valley Forge, Pennsylvania. Wearing their fatigues and carrying toy versions of the M-16 rifles they used in Vietnam, the marchers adopted the guerilla theater tactics popular in the broader antiwar movement to show the brutality South Vietnamese civilians suffered at the hands of American soldiers on a daily basis. The simulated Search and Destroy missions became so realistic that a startled farmer brought his shotgun out to meet the

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[13] Hunt, *The Turning*, Kindle 768; Richard Stacewicz, *Winter Soldiers*, 198.
[14] "They'd Probe Pentagon on 'Atrocities'" *New York Post*, April 13, 1970.
[15] Hunt, *The Turning*, Kindle 829.
[16] Stacewicz, *Winter Soldiers*, 231; Huebner, *The Warrior Image*, 218-219.

veterans, forcing Sheldon Ramsdell to dive into nearby bushes for cover while he waved his toy rifle to show that it was a fake.[17]

Operation RAW relied on actors from the Philadelphia Guerilla Theater who dressed in normal clothing to play the part of Vietnamese civilians. VVAW Executive Secretary Al Hubbard, who coordinated this portion of the march, wanted the actors to mingle with the crowds who came out to watch the veterans trudge to Valley Forge. The goal was to illustrate how American troops accosted random villagers in Vietnam.[18] In New Vernon, New Jersey, marchers put on a horrifying show for bystanders as they swept through town on a simulated mission – soldiers in fatigues grabbed members from the crowd seemingly at random, and acted out the scenes they had witnessed in Vietnam. As they pretended to beat, restrain, and torture their suspects some of the actors suffered minor injuries as a few veterans forgot they were no longer in Southeast Asia.[19]

To provide context for the march, VVAW distributed flyers along the route explaining why they chose such a confrontational style:

> A U.S. Infantry Company just came through here. If you had been Vietnamese – We might have burned your house. We might have shot your dog. We might have shot you… We might have raped your wife and your daughter. We might have turned you over to your government for torture. We might have taken souvenirs from your property. We might have shot up things a bit… We might have done ALL of these things to you and your whole TOWN: If it doesn't bother you that American soldiers do these things every day to Vietnamese simply because they are "gooks" then picture yourself as one of the silent victims. Help end this war before they turn your son into a butcher or a corpse.[20]

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[17] Stacewicz, *Winter Soldiers*, 231; Nicosia, *Home to War*, 56-60.

[18] Hunt, *The Turning*, Kindle 998.

[19] William F. Crandall, "They Moved the Town," in Give Peace a Chance: Exploring the Vietnam Antiwar Movement: Essays from the Charles DeBenedetti Memorial Conference, ed. Melvin Small and William D. Hoover (Syracuse, NY: Syracuse University Press, 1992), 144; Hunt, *The Turning*, Kindle 1066; Huebner, *The Warrior Image*, 221; Nicosia, *Home to War*, 64-65.

[20] Vietnam Veterans Against the War, *Operation RAW Flyer*, accessed July 8, 2013,

The marchers relied on references to American atrocities against Vietnamese civilians, who were only going about their normal routines, to argue for a quick end to the war. If that was not enough to move viewers to action, the flyers played on the crowds' fears that the war might so change their sons that they would rape, kill, or torture innocent people. The potential that family members might become scapegoats for acts committed while following orders like Lt. Calley was an important part of VVAW's appeal. The flyers also reminded bystanders that their children might die for nothing if killed during Richard Nixon's gradual withdrawal of American forces.

Operation RAW placed its stamp on future VVAW protests and encouraged its members, who provided a variety of reasons for their participation, including the hope that the participation of Vietnam veterans in the peace movement would lead more Americans to take it seriously. Manuel Dones seemed to think that civilians were too isolated from the reality of the war. Joining the march allowed him to "bring the Vietnam War to the people" since he could not take them to Southeast Asia to experience it.[21] Marcher Don Saunders thought that "four days and a few blisters were not too much to invest attempting to redeem the promise lost."[22] Having gone to Vietnam to defend democracy in the South and come home feeling despondent about conduct of the war, and their roles in it, many VVAW members saw working to end the war as a chance to atone for the horrors they had seen and done. In their minds, the policies and tactics that the Army relied on during the war – shooting individuals who ran away, abusing random civilians, and destroying villages seemingly at whim – violated both their mission and their expectations

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http://www.wnd.com/images2/vvflyer2.jpg; Small, *Antiwarriors*, 132; Hunt, *The Turning*, Kindle 1076.

[21] Hunt, *The Turning*, Kindle 1125; Nicosia, *Home to War*, 61-64.

[22] Hunt, *The Turning*, Kindle 1063.

that the American military always be the good guys. Many of these young men had believed President John F. Kennedy's call to service in the Peace Corps and the military to fight Communism and build a better future.[23] The reality of the conflict they served in had broken their faith in the military and the government. For a small but vocal group of Vietnam veterans, working to end the war by showing the public the reality of the war was a chance to redeem themselves.[24] This was why VVAW members often viewed their activism as a second tour of duty.

News coverage of the march brought new recruits and reinvigorated a demoralized peace movement. Al Hubbard believed that just getting viewers to more closely examine their views on the war was a victory all its own.[25] Hubbard's comments reflected VVAW's original mission of educating the public about the reality of the war, and the desire of many members to find a way restore their visions of America that their experience of war destroyed. Despite this positive outlook, VVAW changed tactics at the urging of Jane Fonda, who believed the veterans should hold their own war crimes hearings to condemn American atrocities in Vietnam.[26] Fonda had taken part in the demonstration when Operation RAW marchers finally arrived in Valley Forge, and according to Joe Urgo, believed that that the veterans "were the ones with the right to speak" on the issue of atrocities and the effects of Pentagon policies on the war in Vietnam.[27] Fonda's ability to attract media attention and funding for a large event allowed Jan Barry and CCI leaders Tod Ensign and Jeremy Rifkin to move forward with plans for the Winter Soldier Investigation,

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[23] Engelhardt, *The End of Victory Culture*, 164-168.
[24] Bourke, *An Intimate History of Killing*, 361-362; Nicosia, *Home to War*, 68.
[25] Hunt, *The Turning*, Kindle 1125.
[26] Stacewicz, *Winter Soldiers*, 235.
[27] Stacewicz, *Winter Soldiers*, 232; Nicosia, *Home to War*, 62.

which the trio hoped would create enough public outrage about atrocities in Vietnam to end the war quickly.[28] The alliance was short-lived, but both groups moved forward with their plans for national war crimes hearings.

Congressional unwillingness to deal with the issue of alleged atrocities in Vietnam frustrated veterans concerned about them even before My Lai became public knowledge late in 1969, and legislators' responses in 1970 infuriated them. Even antiwar stalwarts like Senator William Fulbright, chairman of the Senate Foreign Relations Committee, were unwilling to hold hearings in which combat veterans testified, and the pro-war faction held hearings that interfered with the courts-martial of members of Charlie Company without any reference to the standard operating procedures and tactical decisions that the VVAW believed caused the atrocities.[29] The result was that many veterans believed that Calley became a scapegoat for all of the crimes at My Lai. Congressional inaction and the Army's treatment of Calley had led Ron Ridenhour to take his concerns about My Lai to the press.[30] VVAW likewise sought new venues to expose the truth about American atrocities in Vietnam. Not trusting Congress or the press, they worked to counter the narrative that Calley was an aberration. Veterans' groups in the antiwar movement decided to hold their own hearings about American war crimes in Vietnam. Referring back to members' feelings that they were engaging in a second tour of duty designed to reclaim the broken promises of the Kennedy years, VVAW named its hearings, held in Detroit, the Winter Soldier Investigation (WSI), after a line in Thomas Paine's *The Crisis* which called American

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[28] Hunt, *The Turning*, Kindle 1156.

[29] William Thomas Allison, *My Lai: An American Atrocity in the Vietnam War* (Baltimore: Johns Hopkins University Press, 2012), lvii-lx; Belknap, *The Vietnam War on Trial*, 223-224; Bilton and Sim, *Four Hours in My Lai*, 329; Hunt, *The Turning*, Kindle 1156; Stacewicz, *Winter Soldiers*, 233-235.

[30] Belknap, *The Vietnam War on Trial*, 117.

colonists to stick with the Revolutionary cause despite setbacks. Those who quailed at adversity were merely fair-weather friends.[31]

The reality of the Winter Soldier Investigation was far more complex than claims that the war crimes hearings were merely part of a "war crimes industry" imply.[32] Critics argue that WSI and other war crimes hearings were merely farces in which the antiwar movement trafficked in rumors and falsehoods to make money, achieve political goals, or provide troubled veterans absolution. However, many VVAW members did not really want to testify about the things they had seen or done because they worried about negative reactions like those of magazines desiring gory war stories. Other veterans felt shame when reminded of the things they did or did not do while in Vietnam.[33] The men who chose to testify in Detroit did so because they, like many VVAW members, believed that their work to end the war constituted a second tour of duty in service to the nation. Rather than running away from the difficult tasks of exposing the horrors of the war and bringing their fellows home safely, they faced scorn and ridicule, and endured investigation and harassment by the Nixon administration.[34] Through it all, many participants argued that America knew better than to do the things it was doing in Vietnam –free-fire zones, bombing raids on undefended villages, torture, and murder were all things that the United States had signed agreements to avoid in war. The participants at WSI wanted America to live up to its own rhetoric of moral action in the world.[35]

The media outside the Midwest largely ignored the Winter Soldier hearings in Detroit at

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[31] "The American Crisis by Thomas Paine," Independence Hall Association, accessed July 9, 2013, http://www.ushistory.org/paine/crisis/singlehtml.htm.
[32] Lewy, *America in Vietnam*, 311.
[33] Hunt, *The Turning*, Kindle 1169; Stacewicz, *Winter Soldiers*, 235.
[34] Uhl, *Vietnam Awakening*, Kindle 2130.
[35] Nicosia, *Home to War*, 90.

the end of January 1971.[36] Lt. William Crandell's opening remarks argued that the goal of WSI was to tell the world who gave the orders and created the policies that ensured that My Lai was not an aberration, but a common occurrence in Vietnam.[37] Crandell gave voice to the heartache many of the veterans who participated in Winter Soldier Investigation felt about their service in Vietnam when he proclaimed:

> We went to preserve the peace and our testimony will show that we have set all of Indochina aflame. We went to defend the Vietnamese people and our testimony will show that we are committing genocide against them. We went to fight for freedom and our testimony will show that we have turned Vietnam into a series of concentration camps.
>
> We went to guarantee the right of self-determination to the people of South Vietnam and our testimony will show that we are forcing a corrupt and dictatorial government upon them. We went to work toward the brotherhood of man and our testimony will show that our strategy and tactics are permeated with racism. We went to protect America and our testimony will show why our country is being torn apart by what we are doing in Vietnam.[38]

Crandell announced that there would be no mock trials, verdicts, or indictments, just the direct testimony of the war crimes witnessed by participants in the hearings. The goal was not to condemn individuals but to uncover the policies that led to atrocities, and to show that the policies that enabled the men of the Americal Division to slaughter the residents of My Lai were the same as the policies of the other Army and Marine divisions in Vietnam.[39]

The majority of the men who testified in Detroit did not provide specific reasons for taking part in the hearings. Those who did focused on the same themes: the belief that Calley

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[36] Small, *Antiwarriors*, 139.

[37] William Crandell, "Opening Statement, Lt. William Crandell, Americal Division," in *The Winter Soldier Investigation; an Inquiry into American War Crimes.*, ed. Vietnam Veterans Against the War (Boston: Beacon Press, 1972), 1.

[38] Crandell, "Opening Statement, Lt. William Crandell, Americal Division," in *The Winter Soldier Investigation*, 2.

[39] Crandell, "Opening Statement, Lt. William Crandell, Americal Division," in *The Winter Soldier Investigation*, 2.

was a scapegoat for the Army's normal methods in Vietnam, that policy and procedure played the primary roles in causing atrocities, and that the consistent and systematic dehumanization of the Vietnamese contributed to war crimes. Because these were the military's own practices despite regulations to the contrary explains why they chose their independent hearings as the venue to publicize the problems. The idea that Calley was not an aberrant figure was of special concern to SP4 Kenneth Ruth, who served in the 1st Air Cavalry Division. He argued that his platoon leader's belief that the Vietnamese were not humans, just targets, led to a number of civilian deaths as he ordered troops to test-fire their weapons on a village without consideration for the inhabitants.[40] To illustrate how the dehumanization of the Vietnamese contributed to atrocities in Vietnam, Ruth showed a slide depicting a man tied to a tree while an interrogator pulled a rope wrapped around his testicles.[41] To understand the event, he argued, Americans had to acknowledge that not only was it the result of racist attitudes among Americans in Vietnam, but that atrocities were endemic: "Everybody knows this. It isn't just Lieutenant Calley. I was involved. I know there are so many other people involved in all this American policy in Vietnam."[42]

The link between racism toward the Vietnamese and American behavior in Vietnam weighed heavily on several witnesses. When 25th Infantry Division medic Patrick Ostrenga tried to treat Vietnamese civilians wounded by American artillery, he was told "not to waste anything on them because they were just gooks." On another occasion, his commanding officer told him

[40] Kenneth Ruth. "SP/4 Kenneth Ruth, 1st Air Cavalry Division," In *The Winter Soldier Investigation*, 10-12.

[41] Ruth, "SP/4 Kenneth Ruth, 1st Air Cavalry Division," in *The Winter Soldier Investigation*, 10; Nathan Hale, "SP/5 Nathan Hale, Americal Division," in *The Winter Soldier Investigation*, 120; Hunt, *The Turning*, Kindle 1487; Ruth Allegation, Nov. 4, 1971; Box 16, Folder 165; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[42] Ruth, "SP/4 Kenneth Ruth, 1st Air Cavalry Division," in *The Winter Soldier Investigation*, 12.

not to bandage a prisoner's wounds because it was a waste.[43] SP5 Michael Erard, who served in the 173rd Airborne Brigade, confirmed Ostrenga's assertion that the dehumanization of the Vietnamese influenced the services medics were allowed to provide. When it came to medicines, his platoon sergeant ordered him not to use any of his albumin serum on wounded Vietnamese. Even when wounded prisoners were medevaced out of the field, Erard was not allowed to provide the intravenous fluids that might keep them alive.[44]

Atrocities were the result of institutional culture that inculcated racist attitudes about the Vietnamese starting in boot camp according to some participants. That abuses were so ingrained in the system meant that reporting abuses within the Army's hierarchy was ineffective at addressing the problem. Maj. Jon Bjornsson, Sgt. Jim Weber, and SP4 Gary Keyes did not tell gruesome stories, but described endemic mistreatment and hatred of Vietnamese civilians that engendered low-level abuses like firing tear gas into villages as convoys passed by, or throwing spent .50-caliber ammunition at civilians' heads. They chose to speak in order to expose the effects of training and racism on the behavior of American troops in Vietnam.[45] Basic Training and refreshers in Vietnam used harsh techniques to turn soldiers into automatons who obeyed orders without question. Weber contended that the idea that soldiers put the Nuremberg Principle of disobeying illegal orders into practice was asking too much in the face of their training.[46] In addition to teaching obedience, Basic Training also indoctrinated recruits that the Vietnamese

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[43] Patrick Ostrenga, "Patrick Ostrenga, 25th Infantry Division," in *The Winter Soldier Investigation*, 60.
[44] Michael Erard, "SP/5 Michael Erard, 173rd Airborne Brigade," in *Winter Soldier Investigation*, , 89.
[45] Gary Keyes, "SP/4 Gary Keyes, Americal Division,",89; Jon Bjornsson, "Major Jon Bjornsson, 8th Field Hospital," in *Winter Soldier Investigation*, 149; Jim Weber, "Sgt. Jim Weber, Americal Division," in *Winter Soldier Investigation*, 157.
[46] Jim Weber, "Sgt. Jim Weber, Americal Division," in *Winter Soldier Investigation*, 159.

were inferior.[47] Accompanying the constant theme that the Vietnamese were inferior were visual associations of generic Asian faces with violence – Weber recalled that cartoons of Asian faces and profiles hung above the gun racks in his barracks without any accompanying uniforms or insignia. The clear message was that all Asians were the targets.[48]

Master Sergeant Don Duncan summed up the goals of the Winter Soldier hearings – to expose the roles of racism and the policy of attritional warfare in causing atrocities in Vietnam, and the national need for scapegoats to explain away the horrors of war. He reiterated the charge that military and political leaders were responsible for the forcible relocation of civilians, the destruction of entire towns without clear military necessity, and torture of prisoners, and asked that those leaders be charged as war criminals under the principles of Nuremberg. Duncan did not want the assembled veterans to leave with a feeling of guilt, but one of pride for exposing the repugnant aspects of the Vietnam War.[49] The American system had failed to prevent or stop American war crimes in Southeast Asia, and the Detroit hearings were VVAW members' chance to shock the public into demanding that their political leaders end both the war and the abuses. This was their chance to fulfill their oaths to defend the United States by fighting for the collective soul of America and insisting that it live up to its ideals.

The lack of public reaction to Winter Soldier did not completely hinder its success. The hearings became a therapeutic event for many soldiers who had never discussed the war crimes they had witnessed or committed. Speaking out reduced a former sergeant to tears as he discussed his experiences, but also provided him a sense of pride at the careful attention that the

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[47] Jon Bjornsson, "Major Jon Bjornsson, 8th Field Hospital," in *Winter Soldier Investigation*, 149-150; Weber, "Sgt. Jim Weber, Americal Division," in *Winter Soldier Investigation*, 157.
[48] Weber, "Sgt. Jim Weber, Americal Division," in *Winter Soldier Investigation*, 158.
[49] Don Duncan, "M/Sgt, Don Duncan," in *Winter Soldier Investigation*, 165-172.

audience paid to the slide show he had created to accompany his testimony. WSI became the first time many of these former soldiers had discussed their service in Vietnam publicly, providing them an important outlet for pent-up feelings.[50] These veterans' self-identification with the 330,000 troops still engaged in combat operations in Southeast Asia brought a new sense of urgency to the antiwar movement as the GIs pushed for a quick end to the conflict in an effort to reduce American casualties.[51] Finally, the experience of the Winter Soldier Investigation pushed VVAW to attempt to influence legislators. Future Secretary of State John Kerry suggested that the group take their cause to Washington when he "saw guys who couldn't talk about what they'd done in Vietnam without crying. That's when I realized we had to take this thing to the government."[52] Kerry's remarks reflected a dramatic change in the VVAW from a loosely organized group of veterans without a coherent ideology to one that shifted to the left and sought to directly influence the government.

Citizens Commissions of Inquiry

While the later generation of activists had largely shed the clean-cut images of early VVAW members who strove to differentiate themselves from the scruffier antiwar protesters, they continued to seek elevated social standing by differentiating themselves from hippies. The GIs who testified at the Winter Soldier Investigation or the National Veterans' Inquiry (NVI) in December 1970 and January 1971 relied on their status as soldiers to provide additional gravitas to their testimony. They also drew on their personal backgrounds as Eagle Scouts, devout members of respected religious denominations, or physicians to enhance their credibility. They

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[50] Lifton, *Home from the War*, 315-316; Hunt, *The Turning*, Kindle 1563.
[51] Hunt, *The Turning*, Kindle 1604.
[52] Hunt, *The Turning*, Kindle 1671.

hoped that their obvious connections to prominent American institutions would lead the media, politicians, and the public to pay more attention to their critiques of policies and procedures in Vietnam.

American war crimes were CCI's focus from its inception because leaders Tod Ensign and Jeremy Rifkin believed that atrocities resulted from American policies in Vietnam. The 1967 Bertrand Russell International War Crimes Tribunal inspired the CCI activists by providing a model to discuss war crimes.[53] It appealed to Ensign and Rifkin due to their legal training at Wayne State University and Tufts University respectively. It recalled the Nuremberg Trials of accused Nazi war criminals, and provided a forum that would look objective and professional.[54] Ensign and Rifkin had fewer qualms about accusing veterans of committing war crimes because they had never served in the military – Jan Barry and VVAW's national office initially stayed away from the topic of atrocities because they thought that is was such an emotionally charged issue. By conducting hearings, Barry, thought, "We're almost charging our fellow veterans with war crimes."[55] Despite this challenge, the pair still managed to attract a dedicated cadre of Vietnam veterans to organize and participate in CCI events.

Although CCI's alliance with VVAW to organize the Winter Soldier Investigation was short-lived due to disagreements over the hearings' objectives, the group still held its own war crimes hearings in Washington, D.C. in December 1970. The differences in where to stage Winter Soldier reveal stark differences in how the organizers viewed the American political system. Civilians Rifkin and Ensign still believed that Congress would respond to the pressure

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[53] Tod Ensign, "Organizing Veterans Through War Crimes Documentation."; William Serrin, "New Anti-War Group Writes GIs," *Detroit Free Press*, May 21, 1967.
[54] Joseph H. Trachman, "5 Vets Charge Murder," *The Philadelphia Inquirer*, October 20, 1970.
[55] Hunt, *The Turning*, Kindle 774.

provided by easy access to national media and the proximity of the hearings to the Capitol. CCI was counting on that combination to influence policy on Vietnam. The Vietnam veterans who founded VVAW, though, had lost their faith in the political system, and they chose to hold their hearings in Detroit because they believed that the close proximity to working-class voters in the heartland would lead to a grass-roots outcry for Congress to end the war.[56]

Vietnam veteran Michael Uhl became one of CCI's most important leaders when he joined after attending a teach-in focused on war crimes at NYU. Within a week, Jeremy Rifkin had helped him record his testimony about abuses he had witnessed while commanding a military intelligence detachment in Vietnam.[57] Uhl spent the next two years working with Rifkin and Ensign to expose the policies that contributed to atrocities in Vietnam. After Uhl had earned a commission through the Reserve Officers Training Corps and a short assignment at Ft. Hood, Texas, the Army had assigned him to the 52nd Military Intelligence Detachment in Vietnam.[58] At his new post, Uhl's subordinates revealed an illegal torture chamber equipped with a field telephone used to administer electrical shocks to prisoners. The horrors he witnessed while in command of the 1st Military Intelligence Team convinced Uhl that South Vietnamese civilians were the primary targets of American hostilities during the war.[59]

Ashamed and horrified by the things he saw in Vietnam, which included witnessing a twenty year-old Vietnamese woman tortured with electrical shocks until she spontaneously

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[56] Richard Stacewicz, *Winter Soldiers*, 236-237; Andrew E. Hunt, *The Turning*, Kindle 1350.
[57] Citizens' Commissions of Inquiry, *War Crimes in Vietnam* (New York, 1970), accessed June 6, 2013, http://www.veteranscholar.com/docu4.html; Michael Uhl, *Vietnam Awakening*, Kindle 1711.
[58] Uhl, *Vietnam Awakening*, Kindle 574.
[59] Uhl, *Vietnam Awakening*, Kindle 1128.

began to menstruate, Uhl remained largely silent until his return to the United States.[60] The exception came when Uhl accompanied an infantry company into the field alongside two of his enlisted men, Sergeants Dick and Stranzo. After the infantry located and attacked a group of Viet Cong, Sgt. Stranzo discovered that one of the VC was still alive. Looking at Uhl and the other officers present, Stranzo put his revolver to the prisoner's head and asked, "We don't take prisoners, right?" When the infantry Captain did not respond, Uhl angrily replied, "I will not stand here and allow you to commit premeditated murder."[61] When that did not dissuade the NCO, Uhl told Stranzo that he might have valuable information. The infantry Captain ended the dispute at that point by calling for a medic.

Despite his moral qualms, Uhl's survival instincts told him that too ardent a protest could endanger his life. Still, he could not understand why a moral choice that seemed so obvious to him was not equally obvious to other soldiers. He was not sure whether it was his own lack of experience or lack of exposure to the realities of the war, but no matter how he considered it, he could not see how others could justify murder so easily. Even though he would not have agreed with killing prisoners to exact revenge for American casualties, there was not even a case for revenge in this incident.[62] CCI provided Uhl a way to work toward ending American atrocities in Vietnam once he returned home.

CCI was not quite as alienated from the American political system as VVAW, so it strove to garner as much attention from Congress and the media as possible. That difference in

[60] Rottmann/Uhl Allegation, Aug. 27, 1970; Box 7, Folder 48; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.
[61] Uhl, *Vietnam Awakening*, Kindle 1252.
[62] Uhl, *Vietnam Awakening*, Kindle 1284.

approach was one of the reasons it split from VVAW during their planning of a large, independent war crimes hearing – CCI believed that press coverage and access to prominent politicians was crucial to changing American policies in Southeast Asia. The National Veterans' Inquiry in December 1970, which presented testimony from more than forty veterans and active duty soldiers, was the group's most noteworthy undertaking.[63] It was covered by the *New York Times*, *Washington Post*, television network news, and wire services. NVI did not remain in the public consciousness in the way that My Lai coverage did, perhaps due to uneven coverage or because its central argument was that American policy and policymakers were to blame for atrocities.[64] The significance of three West Point graduates testifying, including one still on active duty, was not something the reporters in attendance were able to communicate to their readers and viewers. These were not the dregs of the guardroom or stockade trying to make trouble for the army, but the best and brightest of the Army's junior officers.[65]

Despite the near universal portrayal of the hearings by revisionists as relying on rumors and lies, the CCI used a verification process to weed out fakes and *agents provocateurs* among their witnesses.[66] Each veteran provided a copy of his discharge papers to document his service in Vietnam. Then a veteran coordinator, such as Michael Uhl or Robert Johnson, interviewed each participant to determine how reliable their testimony would be – how accurate were the veterans in describing places, dates, equipment, events, and even their units? The last step, ironic given CCI's later refusal to cooperate with the Army's Criminal Investigation Division in

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[63] "Viet Vets Telling of Atrocities," *New York Post*, December 1, 1970.

[64] Elliott L. Meyrowitz and Kenneth J. Campbell, "Vietnam Veterans and War Crimes Hearings," in *Give Peace a Chance*, 136.

[65] Uhl, *Vietnam Awakening*, Kindle 2457.

[66] Meyrowitz and Campbell, "Vietnam Veterans and War Crimes Hearings," in *Give Peace a Chance*, 136; Lewy, *America in Vietnam*, 311-317; Burkett and Whitley, *Stolen Valor*, 131-134.

substantiating war crimes allegations, was to request the names of other soldiers from the witnesses' units who could verify their stories. CCI turned few of the veterans away for any of these reasons, mostly due to limits on their time and resources. Without a large staff and access to government records it was difficult to properly verify information.[67]

Each veteran tied his account into CCI's argument that Army policies, tactics, and racism led to atrocities, including rape, torture, and the murder of civilians.[68] Their testimony often included their justification for testifying about atrocities at the hearing rather than reporting them to their superiors – it was clear, though, that they had little expectation that the military would address the issue of atrocities. Although news stories sometimes reflected that theme, they often focused on gruesome accounts, like those of K. Barton Osborn.[69] Trained as an area intelligence specialist by the Army, his job was to recruit, train, and manage agents in the field. Osborn operated outside the normal military hierarchy, and had a large degree of freedom to gather information. Working in the area surrounding Danang, Osborn looked like a civil service worker, and used an assumed name. Despite being in the Army, he had to convince the local U.S. forces, including the 1st and 3rd Marine Divisions, the Americal Division, and the 7th Armored Cavalry, to use information from his networks of Vietnamese agents.[70]

Most of the information Osborn uncovered about local Viet Cong supporters had little

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[67] Uhl, *Vietnam Awakening*, Kindle 2532.

[68] "War Veterans at Inquiry Feel 'Atrocities' Are Result of Policy," *The New York Times*, December 4, 1970.

[69] "Ex-CIA Man Speaks of Vietnam Killings," *The Times* (London), December 2, 1970; "GI's Threw 2 Viets to Death, Agent Says," *The Detroit News*, December 3, 1970; "Red POWs Pushed Off Copter, Witness Says," *Los Angeles Times*, December 3, 1970; Michael Uhl, *Vietnam Awakening*, Kindle 2508; James S. Kunen, *Standard Operating Procedure; Notes of a Draft-age American.* (New York: Avon, 1971), Kindle Book, 796; Osborn Allegation, Dec. 29, 1971; Box 11, Folder 73; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[70] Kunen, "Testimony of Kenneth Barton Osborn," in *Standard Operating Procedure*, Kindle 3214; Uhl, *Vietnam Awakening*, Kindle 2508.

real use, so he gave it to the intelligence unit attached to the 3rd Marine Amphibious Force, which then sent a Marine lieutenant to question suspects. Torture was the Marines' standard interrogation method, and Osborn's accounts provided grim details of their practices.[71] A Marine lieutenant, whose comment that harsh interrogation techniques were standard procedure, provided some of Osborn's motivation for speaking out. He believed that, "…standard operating procedure, which is authorized by the American military community, and by the CIA, is against the American value system." Like Hugh Thompson at My Lai, Osborn's conception of Americans as "the good guys" combined with his faith to lead him to take action, albeit only after he was safely back in the United States.

> I don't feel that I can come back with a clear conscience from Vietnam and consider myself a good Christian, or I don't feel I can have a clear conscience, knowing that my government is working despicable methods of operation in other parts of the world and denying it; working against the Geneva Conference and blaming other nations for doing the same thing that we're doing, it's just that we classify it as they do – we catch them, they catch us, and it constitutes one heck of a hypocrisy.[72]

Osborn was seeking neither profit nor notoriety, but sought to expose what he believed was the truth about America's war in Vietnam.

> The reason I've said these things today is simply to document or add evidence to the fact that we are doing these things, and my suggestion would be that we don't have to. We should not criticize others for doing the same things that we're doing, or we ought to cut it out."[73]

Osborn did not protest the United States' abuse of civilians in Southeast Asia until after he

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[71] Osborn Allegation, Dec. 29, 1971; Box 11, Folder 73; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD; Kunen, "Testimony of Kenneth Barton Osborn," in *Standard Operating Procedure*, Kindle 3258.
[72] Kunen, "Testimony of Kenneth Barton Osborn," in *Standard Operating Procedure*, Kindle 3395.
[73] Kunen, "Testimony of Kenneth Barton Osborn," in *Standard Operating Procedure*, Kindle 3395.

returned to the United States. In Vietnam abuses were just standard operating procedure that all of his peers and superiors followed. Torturing prisoners or throwing them out of helicopters to coerce others was “old news.” His associates’ reactions ran the gamut from feeling incredibly guilty to viewing their activities as an unfortunate part of their service in Vietnam.[74] While still in Vietnam, Osborn protested the methods his superiors used only once –when an Army Captain in military intelligence summarily executed one of his female agents. His superiors in Saigon determined that her Chinese heritage and deep involvement in Osborn’s operations in Danang represented too much risk to operational security and wanted her fired. The Captain who murdered the agent argued that she was too involved to just be fired. Osborn was livid with the high-handed decision because “she had been asked to help us, and never done anything actively or passively that was against our interest, but had followed through and gotten involved in operations as we had asked her to get involved in, then to determine her fair bait for murder seemed wrong.”[75]

Osborn’s religious beliefs played a large role in his reaction to the atrocities he witnessed in Vietnam, and in his eventual choice to speak out against them. His upbringing in a devout Episcopalian household had taught him to recognize right and wrong, and he believed that the things he did in Vietnam were wrong. However, his religious background did not prevent him from doing those things. He argued that GIs killed, tortured, and raped people in spite of their religious beliefs because they were subject to the same stresses as others serving in Southeast Asia. They were part of the conflict, not just observers. Osborn argued that “Americans, in their upbringing, aren’t adequately prepared to resist authority; they have no resources to draw on to

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[74] Kunen, "Testimony of Kenneth Barton Osborn," in *Standard Operating Procedure*, Kindle 3439.
[75] Kunen, "Testimony of Kenneth Barton Osborn," in *Standard Operating Procedure*, Kindle 3420.

give them the strength to do it."[76] In essence, as Rives Duncan argued in his dissertation, most of the soldiers who went to Vietnam did not have the frame of reference and experience of resisting the greater culture needed to uphold their own beliefs against pressure.[77] In Duncan's framework, only those soldiers whose personal *habitus* included moral factors so ingrained in their identity that they became "normal" behavior so that it did not require them to stop to consider whether an action was moral or immoral were able to avoid becoming involved in atrocities.[78] Now that he was back in the United States, Osborn believed that he had a moral duty to speak, and hoped that society would accept him as a reliable witness due to his background as an Eagle Scout and practicing Episcopalian. Unlike the images of hippies and radical antiwar protesters, he was part of mainstream American culture, so he hoped that his testimony would help convince the public that atrocities were a real issue rather than mere propaganda.

The emergence of VVAW and CCI provided SP5 Nathan Hale a forum to discuss his experiences in Vietnam with the hope that it might lead to significant change in policy. Hale echoed Osborn's feeling that he couldn't just resume a normal life at home in the United States while ignoring his own activities as an interrogator serving with military intelligence in the 198th Light Infantry Brigade from December 1967 to December 1968.[79] At the time, Hale believed that he was doing the right thing as he tortured and abused prisoners – they were a subhuman, foreign enemy who concealed information and would not stand and fight. The information he sought about enemy units and movements justified the methods used to extract it, he thought. The

[76] Kunen, "Interview with Bart Osborn," in *Standard Operating Procedure*, Kindle 3618.
[77] Psychologist Robert Jay Lifton also argued that when confronted with atrocities such as My Lai, only "exceptional or abnormal" soldiers, or those with protracted religious training and sense of morality from family, were able to resist joining in the violence. Lifton, *Home from the War*, 57-58; Duncan, "What Went Right at My Lai," 73.
[78] Duncan, "What Went Right at My Lai," 68-73.
[79] Kunen, "Testimony of Nathan Hale," in *Standard Operating Procedure*, Kindle 1288.

accumulation of a year of torture and abuse had changed his attitude about his actions in support of the war in Vietnam.[80]

Trained as an order of battle specialist, Hale had to learn interrogation techniques as he went. Much of that training came from other soldiers, and his commanding officer in the 1st Cavalry told him that he could do anything he wanted to extract information, but not to be caught doing it. That meant being aware of who was around during interrogations – CID agents, inspectors, and noncombatants were people to watch, not the regular commissioned officers or NCOs. Even if he had objected to torture and abuse of prisoners at the time, Hale had no one to report incidents to since his own commanding officer was the one who told him to use extreme measures. In a particularly memorable February 1968 incident, Hale recalled that interrogators kicked a suspect to death. Instead of going through the hassle (and potential exposure) of doing the required paperwork to document the circumstances of the man's death, Hale's CO told them to put the body into a pair of 500-pound rice sacks and dump it.[81] These experiences showed Hale that his local chain of command would not seriously address any atrocity allegations that he made.

In contrast to Hale, religious belief informed both Gary Battles' reaction to combat and his decision to speak at the NVI. He returned from Vietnam a broken man, wracked by guilt over what he had seen and done, and estranged from his parents. None of the institutions that he believed in before his military service were able to assuage his concerns about atrocities in Vietnam. Two incidents especially bothered Battles. Just thirty days into his tour of duty, Viet

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[80] Kunen, "Testimony of Nathan Hale," in *Standard Operating Procedure*, Kindle 1323.
[81] Kunen, "Testimony of Nathan Hale," in *Standard Operating Procedure*, Kindle 1268-1275.

Cong ambushed his platoon near Duc Pho.[82] After losing six men, one of the squads asked if "they could go back and so-called do a J-O-B, do a job, on the old woman and child who we had passed prior to walking into the village." They blamed her for the ambush because the sixteen bowls of rice in her home made it appear that she had been feeding the enemy. While their commanding officer watched, they "threw an eighty-some-year-old woman in a well, with about a seven-year-old girl," and dropped two grenades into it.[83] Nine months later, Battles was the soldier doing the killing. Desperate to get out of the field – his unit rewarded soldiers who killed Vietnamese with downtime at their base camp - he threw two grenades into a hole without checking to see who was in it, then emptied his M-16's magazine into it. When the rest of his team arrived and cleared the depression out, they found five bodies; one, riddled with grenade fragments, was still breathing. Seeing in that moment what the Army's indoctrination had turned him into, he refused to fight again.[84]

When a group of junior officers pushed him to return to combat, Battles refused, telling them that they could throw him in prison if they wanted to, but "I really believe in the eyes of God, my God, that I'm doing right, and it doesn't really matter to me what you do anymore."[85] His religious beliefs informed Battles' feeling about both killing and the righteousness of his own actions in refusing to fight any longer, but they did not stem from profound theological

[82] Kunen, "Testimony of Gary Battles," in *Standard Operating Procedure*, Kindle 1409.
[83] Kunen, "Testimony of Gary Battles," in *Standard Operating Procedure*, Kindle 1425; Battles-Locke Allegation, Jun. 4, 1971; Box 10, Folder 67; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.
[84] Kunen, "Interview with Gary Battles," in *Standard Operating Procedure*, Kindle 1530; Battles-Locke Allegation, Jun. 4, 1971; Box 10, Folder 67; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.
[85] Kunen, "Interview with Gary Battles," in *Standard Operating Procedure*, Kindle 1556.

knowledge or regular church attendance. Nominally a Baptist, Battles did not attend church regularly, nor did his parents, but he had held a visceral belief that killing was wrong even before his conscription. The core of his religious belief was the Golden Rule –do unto others as you would have them do unto you. He summed it up by saying:

> I'm just going on what I'd like people to do to me, understand? I'm not a learned person of the Bible. I don't try practicing religion, I don't preach any religion, but I know what people enjoy, and what they don't enjoy, and it's as simple as that. That's all there is to it. I'm Baptist, but I don't know too much about the Bible, or anything. But I know killing's wrong; no doubt in my mind about that. [86]

Despite his lack of a clear theological base, Battles found a bit of solace after discussing the killing by the riverbank with a grizzled Sergeant Major who put his mind at ease by telling him that those who ordered him to kill in Vietnam would suffer God's justice, not Battles.[87]

The Army clearly would not do anything about atrocities, and Battles discovered that there was another war at home when he returned to the United States. When he told his family that he believed the war immoral, and that the Viet Cong were just trying to get foreigners to leave Vietnam, his father called him a coward. Seeing dissent against the war, but no effort by political leaders to end it, Battles came to believe that responsibility for war crimes in Vietnam rested with the American people and their elected leaders. Rather than wanting trials, he said:

> I think we're all on trial. I really do. Everyone on the street driving by and going to the movie, you know going to buy ice cream, all the people who –who make up it all, they're the ones on trial, but they don't seem to realize it. They don't care. They like to- they're sort of scapegoating Nixon, I think.[88]

Battles' personal goal was to make people feel guilty for their roles in perpetuating the war, and he believed that the NVI might bring that reality closer. He also believed that by testifying, by

[86] Kunen, "Interview with Gary Battles," in *Standard Operating Procedure*, Kidnle 1667.
[87] Kunen, "Interview with Gary Battles," in *Standard Operating Procedure*, Kindle 1599.
[88] Kunen, "Interview with Gary Battles," in *Standard Operating Procedure*, Kindle 1747.

talking about his experiences, and giving interviews, that it helped him contain his own depression and the suicidal thoughts that plagued him since his return to the United States.

Maj. Gordon Livingston, the regimental surgeon of the 11th Armored Cavalry Regiment, sought to expose the human cost of racist, dehumanizing policies and tactics American troops relied on. A graduate of the United States Military Academy at West Point, Livingston served two years in the 82nd Airborne Division before attending medical school. Graduating in 1967, he volunteered for service in Vietnam.[89] Arriving in Vietnam as a "qualified" supporter of the war, Livingston quickly learned that American strategy and tactics undermined the primary rationales for intervention. Ensuring South Vietnamese self-determination and preventing a communist victory seemed far from the minds of the people doing the fighting.[90]

Livingston argued that atrocities were not the result of individuals run amok, but the most sensational manifestation of a systematic process of dehumanization that began with the common practice of calling Vietnamese "gooks" or "dinks." The endemic attitude that the Vietnamese were less than human led to an American culture of war that made "a mockery of our national objectives" in the war. Livingston was steadfast in his assertion that the problem was not just a few soldiers scattered across the American units in Indochina. One example of the behavior this environment promoted was evident in the glee with which a reconnaissance helicopter pilot recounted the low-level flight in which he ran down two women riding their bicycles on a road.[91]

That type of cruelty was not limited to combat personnel. While he worked in the emergency room of the 93rd Evacuation Hospital, medics brought in a young boy injured by an

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[89] Kunen, "Testimony of Dr. Gordon S. Livingston," in *Standard Operating Procedure*, Kindle 3995.
[90] Kunen, "Testimony of Dr. Gordon S. Livingston," in *Standard Operating Procedure*, Kindle 4006.
[91] Kunen, "Testimony of Dr. Gordon S. Livingston," in *Standard Operating Procedure*, Kindle 4016.

American vehicle to treat a compound fracture of both bones in his lower leg. It was obvious that the boy required surgery to save the leg and the hospital had the necessary resources to perform it without negatively affecting the treatment of wounded soldiers. Despite that, the orthopedic surgeon whose job it was to perform the surgery refused to operate after the nurse announced that he was "just another gook." Because these Americans refused to do their duty, as required by MACV regulations, the child ended up in a provincial hospital, where Livingston was sure he lost his leg.[92]

This was hardly the worst instance of medical professionals violating regulations, professional ideals, or even the Geneva Conventions due to the systematic dehumanization of Vietnamese. If these issues were not enough to destroy Livingston's faith in the military as an institution that followed its own regulations and ideals, his commanding officer likely finished the job. When his CO ordered Livingston to investigate using sodium pentothal for interrogating prisoners, the chief of anesthesiology for the U.S. Army in Vietnam suggested that instead he use Sucsoneal Coline, a drug used for delicate medical procedures in which temporary paralysis was necessary. The anesthesiologist suggested that in minute doses, it would temporarily halt a prisoner's breathing. Because interrogators could quickly reverse the effect, they could use Sucsoneal to coerce prisoners to provide information.[93] Livingston did not pass this suggestion on to his superiors, but used it to illustrate the pervasive nature of the view that Vietnamese were subhuman. In this light, he contended, the idea that atrocities were the province of a few, poorly disciplined, out-of-control soldiers was nonsensical.

He ended his testimony by illustrating the problem with the regular Army pushing those

[92] Kunen, "Testimony of Dr. Gordon S. Livingston," in *Standard Operating Procedure*, Kindle 4033.
[93] Kunen, "Testimony of Dr. Gordon S. Livingston," in *Standard Operating Procedure*, Kindle 4063.

defined as noncombatants to accept the dehumanization of the enemy. Wounded enemy troops did not go straight to a hospital, but came to the regimental command post, where Livingston provided basic medical care so interrogators could question them. This created a conflict between the medical agenda to provide care and save lives and the commanders' desire to gather all potential intelligence available. This conflict became extreme when 11th ACR commander Col. George Patton III insisted on interrogating a seriously wounded prisoner after Livingston told him that the man was unlikely to survive the process. Col. Patton's response was direct: "Just keep him alive for a few moments, a few minutes, so we can question him. After that he can die, it doesn't matter to me."[94] As a physician, Livingston was unable to balance this treatment of the enemy with the Army's legal and moral obligations toward prisoners.

CCI's final effort to publicize war crimes in Vietnam was the Dellums Committee Hearings on War Crimes in Vietnam, beginning on April 25, 1971.[95] Freshman Congressman Ron Dellums, from Oakland, California, hosted the unofficial hearings, which his peers in Congress refused to endorse – only twenty chose to attend. Most Congressional representatives had already shown that they were indifferent or hostile toward efforts to make war crimes public.[96] Dellums was different because his constituents elected him precisely because the Democrat who had previously held his seat proved insufficiently antiwar.[97] These hearings had a goal similar to that of the earlier National Veterans' Inquiry and Winter Soldier Investigations –

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[94] Kunen, "Testimony of Dr. Gordon S. Livingston," in *Standard Operating Procedure*, Kindle 4089; Livingston-Johnson-Noetzel Allegation (CCI), Mar. 30, 1977; Box 7, Folder 48; Case Files, Vietnam War Crimes Working Group; Records Pertaining to Enemy Prisoner and Detainee Activities; Records of the Army Staff, Record Group 319; National Archives at College Park, College Park, MD.

[95] Uhl, *Vietnam Awakening*, Kindle 3252.

[96] John W. Finny, "Liberals Seek War Crimes Inquiry," *The New York Times*, March 31, 1971.

[97] Tod Ensign et al., "Introduction," in *The Dellums Committee Hearings on War Crimes in Vietnam; an Inquiry into Command Responsibility in Southeast Asia.*, ed. Ronald V. Dellums and Citizens Commission of Inquiry (New York: Vintage Books, 1972), ix.

to shine a bright light on the institutional and command responsibility for war crimes. This approach placed CCI and Congressman Dellums in stark opposition to the method preferred by the Pentagon and most members of Congress, who preferred to portray alleged war criminals as aberrant individuals.[98] The public scapegoating of Lt. Calley for the My Lai Massacre made the Pentagon's approach a serious potential threat to thousands of GIs who served in combat and committed war crimes by following orders or established standard operating procedures.[99] Under the Nuremberg principle, following orders was not an allowable defense for committing atrocities, but the training and culture of the Army prevented most soldiers from even contemplating disobeying orders in combat situations. The problem CCI and its supporters had was that it made the privates and lieutenants who followed those policies criminals, while letting the commanders who instituted and approved them escape unscathed.

The politicians involved in the Dellums Hearings carefully stated their goals for the hearings. Congressman Parren Mitchell argued that their objective was to investigate the policies in Vietnam that fostered war crimes: free fire zones, search and destroy missions, forcible relocation of civilians, and the focus on body count as an indicator of progress and performance. Mitchell contended that the men testifying at the hearings did so out of deep moral convictions that demanded respect.[100] Telford Taylor, one of the key prosecutors at the Nuremberg Trials, provided Congressman John Seiberling with the most powerful legal rationale for investigating command responsibility for war crimes in Vietnam. In his book *Nuremberg and Vietnam*, Taylor interpreted the relevant Army regulations, arguing that:

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[98] Ensign et al., "Introduction," in *The Dellums Committee Hearings on War Crimes in Vietnam*, xi.
[99] "My Lai Verdict Is Denounced; Calley Lawyer, Congressman Agree," *The Providence Journal*, March 30, 1971.
[100] "West Pointers on Policy and Command Responsibility," in *The Dellums Committee Hearings on War Crimes in Vietnam*, 5-6.

> The 1956 Army manual provides explicitly that a military commander is responsible not only for the criminal acts in pursuance of his orders, but is also responsible if he has actual knowledge, or should have knowledge that troops or other persons subject to his control are about to commit or have committed a war crime and he fails to take the necessary and reasonable steps to insure compliance with the law of war or to punish violations thereof.[101]

The purpose of the hearings, then, was to determine whether atrocities in Vietnam were endemic, and to determine who was responsible. As the reaction to the Calley verdict made clear, the image of a lone junior officer taking the blame for the policies of his entire branch of service disturbed the nation.

Capt. Robert Johnson built on the theme that atrocities in Vietnam were the result of the Army's institutional culture, which minimized the importance of the laws of war while focusing on harsh interrogation methods and dehumanizing the Vietnamese. This culture not only led to atrocities, but also prevented the Army from dealing with war crimes on anything other than an individual basis. He testified that while he received no training in the laws of war, a Major teaching a class on land warfare told the class that a good way to get prisoners to talk was to take a group up in a helicopter and throw one out before interrogating the rest.[102] This lecture was his introduction to how American troops treated the Vietnamese. Initially supporting the war and its aims, Johnson's attitude changed over time as he saw how brutally the Army dealt with Vietnamese people it encountered, whether callously shooting civilians at long range, or torturing prisoners. He eventually concluded that the United States was waging war on the Vietnamese people rather than against a definable political or military target. Johnson argued

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[101] Neil Sheehan, "Taylor Says by Nuremberg Rules Westmoreland May Be Guilty," *The New York Times*, January 9, 1971; "West Pointers on Policy and Command Responsibility," in *The Dellums Committee Hearings on War Crimes in Vietnam*, 7.

[102] "Statement of Robert B. Johnson," in *The Dellums Committee Hearings on War Crimes in Vietnam*, 40-41.

against prosecution and punishment of individuals involved in specific incidents by describing it as a systemic issue:

> I think, given the framework of genocide in Indochina, where we have killed millions of Vietnamese and there are five million refugees, it is somewhat absurd to focus on the guilt of any particular individual. When one talks about guilt and innocence, it must be from a kind of moral civil righteous position, perhaps with a lack of understanding of the atmosphere that exists, the moral frame of reference that exists in Vietnam, and that if one can say waste dinks, there is no longer a moral judgment.[103]

If Americans were going to prosecute Lt. Calley for his actions at My Lai, they should be just as ardent in prosecuting higher-ranking officers like Col. Patton because they generated the policies that caused the atrocities. Calley was the ultimate "institutional victim" because he fully accepted what his superiors taught him: "the only good gook was a dead gook."[104] His preference was to free Calley, and launch "a massive investigation into the institutional causes that in my judgment led to My Lai."[105] Rather than trying to assign guilt, Johnson's solution would look much like the NVI, Winter Soldier, and Dellums Committee hearings. He asked for legislation granting Vietnam veterans amnesty for their actions in Vietnam, followed by a joint Congressional inquiry into war crimes in Vietnam. Johnson believed that GIs had mostly just followed orders in Vietnam without considering issues of guilt or morality, and should not bear the burden for the results.[106]

The question of individual and institutional responsibility for American war crimes particularly bothered Elliot Meyrowitz, who had killed an unarmed Vietnamese without properly

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[103] "Statement of Robert B. Johnson," in *The Dellums Committee Hearings on War Crimes in Vietnam*, 56.
[104] "Statement of Robert B. Johnson," in *The Dellums Committee Hearings on War Crimes in Vietnam*, 57.
[105] "Statement of Robert B. Johnson," in *The Dellums Committee Hearings on War Crimes in Vietnam*, 57.
[106] Robert B. Johnson, "Testimony of Robert B Johnson (Capt, U.S. Army, West Point, Class of 1965)," Dellums Committee Hearings on War Crimes in Vietnam, accessed December 30, 2013, http://www.sirnosir.com/archives_and_resources/library/war_crimes/dellums/dellums_10.html.

identifying the man. He believed that the choice to pull the trigger was his, but questioned whether he or the Army was responsible. There was a conflict, he argued, between the United States' conception of individual guilt based on an individual's actions and the influence of the system in which he operated. Meyrowitz argued soldiers had to carry out the policies of their superiors without question, so their decisions were "diffused to a higher authority of power structure."[107] The question of individual guilt bothered Meyrowitz, and he used Calley to illustrate his point. He believed that Calley was guilty only of carrying out American policies without having the intellectual framework to make moral choices. The Army had failed to provide Calley with sufficient training regarding the laws of land warfare, the Nuremberg Principle, or handling prisoners of war. He believed a public debate to resolve the question of individual responsibility was necessary.

The Army was not the only American institution that veterans distrusted to do anything about atrocities in Vietnam, hence their participation in independent hearings; they had little faith in politicians or the media. Guadalupe Villarreal wanted to lay responsibility for American atrocities in Vietnam on those who set the policies that caused them, and was less concerned with the philosophy behind it. He argued that responsibility for atrocities in Vietnam was not confined to Generals William Westmoreland or Creighton Abrams, but extended to Congress. It was a common joke that if soldiers had problems they could write their representatives to seek solutions, but Villarreal believed his encounter with his own Congressman illustrated the fallacy in that joke. The day before his testimony at the Dellums hearings, Villarreal asked his

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[107] Elliott L. Meyrowitz, "Testimony of Elliot L Meyrowitz (E/4 C/2/502, 1st Bgd, 101st Airborne Div, C Company)," Dellums Committee Hearings on War Crimes in Vietnam, accessed December 31, 2013, http://www.sirnosir.com/archives_and_resources/library/war_crimes/dellums/dellums_14.html.

representative to walk one floor down to observe, but was ignored. He argued that it showed that "He doesn't want to listen, therefore apparently he knows all about it, and in a sense everybody is condoning it."[108]

Other soldiers addressed the question of why they came forward at the Dellums hearing, but not while they were still in the Army. Daniel Barnes and Gary Battles argued that the chain of command prevented them from reporting atrocities before they came home. Barnes testified that he did not know the proper channels to go through, but Battles claimed that going outside the chain of command was a sure route to a court-martial. Besides, he said, "in a combat zone for many reasons in Vietnam while these atrocities are being committed and you don't want to question a heck of a lot of these goings - on around you - because you just follow suit. Because that's the way it is."[109] His experiences in Vietnam also worked to keep Barnes quiet before he had the opportunity to testify in Washington – as soon as people learned that he had served in the Americal Division, like Lt. Calley, they labeled him a killer. Once he had a forum to discuss the abuses he witnessed in Vietnam, he saw his testimony as a continuation of his oath to serve his country, which he had made on the first day of his enlistment.[110]

Concerned Officers Movement

Unlike VVAW and CCI, which included both enlisted men and officers, the majority of whom were no longer in the military, the members of the Concerned Officers Movement (COM)

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[108] Guadalupe G. Villarreal, "Testimony of Guadalupe G Villarreal (D Company - 6 Light Infantry Bgd, Americal Div)," Dellums Committee Hearings on War Crimes in Vietnam, accessed December 30, 2013, http://www.sirnosir.com/archives_and_resources/library/war_crimes/dellums/dellums_21.html.

[109] Daniel Barnes and Gary Battles, "Testimony of Daniel Barnes (Americal Div)," Dellums Committee Hearings on War Crimes in Vietnam, accessed December 30, 2013, http://www.sirnosir.com/archives_and_resources/library/war_crimes/dellums/dellums_2.html.

[110] Barnes and Battles, "Testimony of Daniel Barnes (Americal Div)," Dellums Committee Hearings on War Crimes in Vietnam.

were junior officers who were still serving on active duty. Not all members of COM had served in Vietnam, though the Army sent several as apparent punishment for their activism.[111] COM challenged the basis of the war and seeming prosecutorial immunity of senior officers who instituted and enforced the policies that led to war crimes.[112] Despite remaining on active duty, and running the risks associated with dissent in uniform, these men believed that neither the military nor Congress would address the issue of atrocities. That led them to turn to the most public venues they could find. Capt. Robert Masters, an Army doctor who spent a year in Vietnam, was still on active duty when he served as moderator for the NVI on December 1, 1970. Introducing the afternoon's speakers, he declared that he was just one of "a growing number of officers who are rightly appalled at what we consider to be the immorality and criminality in Vietnam," where he had witnessed the deliberate destruction of life.[113] Masters hoped that the veterans' testimony would help "the American people realize that war crimes in Vietnam are not isolated, aberrant acts but the inevitable result of a policy which in its direction of waging war against the civilians, Vietnamese civilians, is in itself immoral and criminal."[114] As a surgeon assigned to a battalion of the 101st Airborne, Masters gained an intimate understanding of the violence in Vietnam, including desperate hours of work to save wounded GIs when the enemy temporarily overran his firebase. As such, his authority to speak was difficult to impugn.[115]

On January 12, 1971, four active duty members of the Concerned Officers' Movement

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[111] Tom Finton, *The Folks Back Home Won't Believe This: Memoirs of a Concerned Officer - ROTC to Vietnam* (CreateSpace Independent Publishing Platform, 2012), Kindle Book, 67.
[112] Uhl, *Vietnam Awakening*, Kindle 2488; Richard R. Moser, *The New Winter Soldiers: GI and Veteran Dissent during the Vietnam Era* (New Brunswick, NJ: Rutgers University Press, 1996), 89.
[113] Kunen, "Testimony of Captain Robert Master," in *Standard Operating Procedure*, Kindle 951.
[114] Kunen, "Testimony of Captain Robert Master," in *Standard Operating Procedure*, Kindle 957.
[115] Uhl, *Vietnam Awakening*, Kindle 2502.

held a press conference at which they requested formal inquiries under Article 138 of the UCMJ to investigate command responsibility for policies in Vietnam that violated the Geneva Conventions.[116] By the end of April, COM became a real thorn in the Pentagon's side by hosting an antiwar memorial service at the National Cathedral. Although the military threatened to prosecute attendees, more than three hundred junior officers showed up for the service in their dress uniforms, while another four hundred arrived in civilian clothes. On April 24 a group of five hundred GIs led the protest march culminating in the VVAW's Operation Dewey Canyon III invasion of Washington, D.C.[117] Over the course of the year, sixty-seven serving officers signed public antiwar statements, putting careers and freedom at risk.[118]

Unlike other elements of the larger GI Movement, COM avoided revolutionary rhetoric. Many COM members found themselves harassed by their superiors, discharged, or forced out of desirable jobs. The Washington–area chapter lost eight members in this way just in its first six months of existence.[119] The issue of assigning responsibility for war crimes under the Nuremberg principle was as important an issue for COM as it was for groups like VVAW and CCI when the Pentagon singled out Lt. William Calley as the single individual culpable for the My Lai Massacre. On November 26, 1970, six COM members held a press conference calling for a halt to Calley's court-martial for murder. Establishing a formal mechanism allowing service members to safely refuse and report illegal orders became a cornerstone of COM's antiwar activism.[120]

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[116] Lee Dye, "4 Officers Challenge To Brass on Policies in South Vietnam," *Los Angeles Times*, January 21, 1971.
[117] David Cortright, *Soldiers in Revolt: GI Resistance during the Vietnam War* (Chicago IL: Haymarket Books, 2005), 81.
[118] Moser, *The New Winter Soldiers*, 89.
[119] Cortright, *Soldiers in Revolt*, 108-109.
[120] Cortright, *Soldiers in Revolt*, 110.

Conclusion

The Dellums Committee hearing was the last major effort by veterans and GIs to bring the issue of American atrocities in Vietnam forward to change the course of the war in Vietnam. The topic had not proven effective in speeding American withdrawal from Vietnam, but it provided an outlet for those involved to process their feelings about the violence they endured during their service in Vietnam. Organizing activities related to war crimes also led to a broader GI movement to improve conditions for soldiers and veterans, especially those relegated to VA hospitals as a result of their wounds. Many of these soldiers felt alienated from society as a result of their service – that large swaths of the public shared their fears that more soldiers would face charges helped them begin to reintegrate into society. This shared worry that more soldiers who were just following orders or standard procedures and killed Vietnamese civilians would, like Lt. Calley, face courts-martial and imprisonment, provided veterans in the GI movement with a tenuous connection back to mainstream American society.

Despite the claims of revisionist historians that veterans alleged atrocities only to gain media attention, or for therapeutic reasons, GIs had complex and overlapping motivations for speaking out against American atrocities in Vietnam. Media figures such as Jane Fonda and *Conversations with Americans* author Mark Lane attached themselves to the issue of war crimes for their own ends, but the veterans involved should not all be tarred with that same brush. While revisionists argue that soldiers, like Nathan Hale, who testified at both NVI and Winter Soldier, had cynical motives, we should consider them as complex individuals showing their dedication to the cause of exposing war crimes as a means of ending the war. Similarly, while many soldiers, including Gary Battles, also reported a therapeutic effect from testifying, their

testimony shows that it cannot be understood as the primary factor leading them to allege war crimes in Vietnam. My Lai coverage became the watershed moment that led many of these soldiers to engage in antiwar activism in what they saw as a second tour of duty to fight to end the war, and to push Americans and their institutions to return to the ideals of defending democracy.

CHAPTER 7

CONCLUSION

"*They have seen the darkness within them and within the world, and it weighs heavily upon them.*" - *Amy Amidon, U.S. Navy staff psychologist*[1]

Ron Ridenhour could not have anticipated the firestorm of controversy resulting from the letters he dispatched to members of Congress and officials at the Pentagon March 1969. The resulting scandal mesmerized and angered Americans, revitalized the antiwar movement, and encouraged soldiers and veterans to make their own allegations of American atrocities in Vietnam. Although coverage of the My Lai Massacre inspired many soldiers to step forward, they did so for their own reasons and with their own goals. Some reported American war crimes directly to the Army or to civilian leaders simply because they desired justice for the victims. Others turned to the media to call for an end to the war, to criticize the lack of offensive spirit among officers in Vietnam, or even to protest the prosecution of Lt. William Calley for the murders he committed at My Lai. The combination of My Lai coverage and the squalor of Veterans' Administration hospitals led another group of veterans to join the antiwar movement where they used their knowledge of atrocities to try to end the war. Whatever mechanism they chose, and regardless of their goals, soldiers who reported atrocities cannot be simply dismissed as dupes of the media, the antiwar movement, or of Communist propaganda. Instead, their

[1] David Wood, "'I'm A Good Person'."

concerns provide additional insight into the concerns and experiences of the large numbers of GIs who did not speak out about atrocities.

Despite the labors of these veterans and GIs to expose atrocities in Vietnam, the issue virtually vanished from the American consciousness by the 1990s as the public and the military sought to forget the pain of the war.[2] Replacing the trope of Vietnam as an unjust conflict in which American soldiers brutalized Vietnamese civilians was a new understanding that viewed Vietnam veterans as forgotten heroes whose sacrifices the media and weak-willed politicians had betrayed.[3] Even My Lai largely disappeared from public and historical conversation about the war, as revisionist historians attempted to argue that it was a unique occurrence with no explanatory power.[4]

Contending that My Lai reveals nothing about the American approach to the Vietnam War obscures the reality that soldiers faced in the field and the question of how they dealt with events that challenged their conceptions of war. To dismiss veterans who reported war crimes in Vietnam, regardless of the venue they chose, as merely motivated by politics or publicity seeking denigrates the inner moral conflicts and professional concerns soldiers experienced. If nothing else, My Lai broadened the options available for soldiers and veterans who desired to express their concerns about the things they had done and observed during their service in Vietnam. As we have seen, there was a high correlation between the methods American soldiers chose to report war crimes and their level of engagement with their mission in Vietnam and perception of

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[2] Bilton and Sim, *Four Hours in My Lai*, 4-10; Appy, "The Muffling of Public Memory"; Appy, *Working-Class War*, Kindle 133-160; Turse, "*Kill Anything That Moves,*" diss., 158-162; Beattie, *The Scar That Binds*, 25-33; David L. Anderson, *Facing My Lai: Moving Beyond the Massacre* (Lawrence, Kansas: University Press of Kansas, 1998), 12; Oliver, *The My Lai Massacre in American History and Memory*, 3.

[3] Woodruff, *Unheralded Victory*, 341-344; Sorley, *A Better War*, 157; Burkett and Whitley, *Stolen Valor*, xxiii-xxvii; Oliver, *The My Lai Massacre in American History and Memory*, 237.

[4] Lewy, *America in Vietnam*, 307-327; Burkett and Whitley, *Stolen Valor*, 115; Sorley, *A Better War*, 295.

the Army hierarchy. In general, the more disgruntled soldiers became, the more public the venue they chose to allege atrocities. Although their views of whether the Army and federal government were trustworthy influenced how troops publicized their concerns, their reasoning included religious and moral beliefs, professional concerns over the conduct of the war, and even their conception of manhood. These factors represent legitimate concerns on the behalf of veterans. To diminish them as the dupes of the North Vietnamese *dich van* propaganda program while ignoring evidence of hundreds of war crimes collected by the Army, as revisionist scholars do, prevents us from understanding how the Army prosecuted the war, and how that affected veterans.[5]

The concerns and motives of soldiers who reported atrocities directly to the Army or to the federal government are absent from existing narratives about atrocities in Vietnam. Most accounts of GIs alleging atrocities provide the impression that with the exceptions of Hugh Thompson, Larry Colburn, and Ron Ridenhour, soldiers concerned with atrocities in Vietnam joined the antiwar movement, sought publicity for personal gain, or both. This understanding of how soldiers alleged atrocities ignores the efforts of soldiers concerned about atrocities in Vietnam who disagreed with the goals or methods of the antiwar movement, but believed that the Department of Defense needed to reform how it pursued the war in Vietnam. Significant numbers of soldiers reported war crimes through their chains of command, while others chose to contact either congressmen or the Department of Defense. Although these men shared a common goal of reducing the number of atrocities in Vietnam, they often had other concerns – arguing against the scapegoating of Calley and his men or exposing corruption. Preserving the institution

[5] Woodruff, *Unheralded Victory*, 231-235.

of the Army and its reputation was important in leading them to keep their claims inside the confines of the government.

Revisionist historians rely on the outdated claim that the American media turned the public against the war despite battlefield successes in Vietnam.[6] By simplifying the media's response to the cliché that biased and gullible journalists recklessly promoted atrocity claims, revisionists mask the goals and reasoning of soldiers who contacted the media individually or joined the antiwar movement. While these GIs sometimes had selfish aims such as gaining notoriety or reducing prison sentences, they more often wanted to expose concerns about how the war was prosecuted. Other veterans used war crimes allegations to argue that junior officers and enlisted men disproportionately bore the blame for atrocities rather than those who set policy. The argument that antiwar American media were the sole reason for declines in domestic support for the war is only plausible under the false presumption that journalists and editors, especially those associated with television, reported the war in the same way before and after the 1968 Tet Offensive. As numerous studies illustrate, this was not the case – many journalists and editors supported the ideological basis of the war in its earliest stages even when they disagreed with American methods.[7] Although coverage of the war developed an increasingly skeptical tone as 1967 progressed, boosted by increasing American casualties and the Johnson administration's poorly explained definitions of progress of the war, after Tet press skepticism regarding the war became increasingly widespread.[8] Similarly, widespread reporting of American war crimes in the

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[6] Victor Davis Hanson, *Carnage and Culture: Landmark Battles in the Rise of Western Power* (New York: Doubleday, 2001), Kindle Book, 8023.

[7] Engelhardt, *The End of Victory Culture*, 189; Kaul, "The Unraveling of America," 178; Carpenter, *The Captive Press*, 148-149; Oliver, *The My Lai Massacre in American History and Memory*, 24.

[8] Hallin, *The "Uncensored War,"* 166; Huebner, "Rethinking American Press Coverage," 151-156.

mainstream media appeared only after Seymour Hersh finally broke the My Lai story in November 1969, almost two years after it occurred.

The result of these maxims, which contend that the media's negative portrayal of the war after the Tet Offensive turned victory into defeat and that the media's antiwar slant led it to slander soldiers by promoting spurious atrocity claims, had two effects. It limited our understanding of the prevalence of American atrocities in Vietnam, and concealed soldiers' attitudes about them. It also placed increasingly stringent limitations on journalists seeking to cover American military action after the end of the war. While there were undoubtedly problems with shallow or sensational journalism during the war, that is far from a complete description of war reporting. Soldiers and veterans developed a complex relationship with journalists regarding atrocity allegations – the vast majority avoided the media, but others actively sought out reporters to relate their experiences. The few publicity seekers provide a veneer of truth to revisionists' claims that atrocity allegations in the media were self-serving. The examples of men like Esequiel Torres, who claimed that Gen. Creighton Abrams and other senior officers knew about atrocities to bolster his court-martial defense, or James Weeks, who joined a Communist propaganda campaign to criticize the United States, seem to support the revisionist stance.[9] However, accepting the argument that atrocity allegations other than My Lai primarily came from opportunists ignores soldiers like Dennis Stout, who not only sought advice about reporting atrocities while still in Vietnam, but contacted CID with his allegations once he returned home, or James Henry, who contacted CID and his congressman before turning to the media with his claims. Neither was interested in personal fame – Stout acted in part because he believed Calley

[9] See above, 146, 148.

was a scapegoat intended to reduce the public outcry over My Lai, while Henry wanted to stop the murder of Vietnamese civilians and to place the blame for war crimes on policymakers rather than enlisted men.[10] A smaller group of soldiers pursued a different agenda by reporting atrocities to gain a platform to criticize the Army for not fighting to win the war. In an episode reminiscent of the false claims Woodruff and Lewy attribute to the anti-war movement, David Mittelstaedt relied on hearsay when using war crimes allegations to garner media attention for his contention that Army officers used the war to further their own careers rather than seeking victory, while the military used the conflict to test weapons and train troops.[11]

During the twenty-first century, the prominence of veterans such as current Secretary of State John Kerry has led to renewed controversy over American atrocities in Vietnam. When Kerry relied on his status as a Vietnam veteran during the 2004 Presidential election, his role as a high-profile member of VVAW became a divisive campaign issue as partisan political groups maligned Kerry's military record, the motives of VVAW members, and the accuracy of testimony at the Winter Soldier Investigation in 1971. Groups like Swift Boat Veterans for Truth built upon Guenter Lewy's 1978 contention that the VVAW and similar organizations were part of an "atrocity industry" that sprang up to benefit from war crimes allegations, claiming that they relied on lies, exaggerations, and hearsay. Despite these arguments, it appears that many soldiers who became activists did so in good faith. Rather than gaining fame or fortune, they received little (if any) remuneration for their activities, sometimes earned the scorn of their families and former comrades, and were investigated and intimidated by elements of the Johnson and Nixon

[10] See above, 129, 132.
[11] See above, 152-157

administrations.[12] The primary benefits that veterans who reported atrocities gained were intangible – the therapeutic effects of discussing their experiences in Vietnam, and the belief that they were doing the right thing by publicizing American war crimes in Vietnam.[13] Their goals were to indict civilian and military leadership for the policies and procedures that they believed led to atrocities, and to use the issue of atrocities in Vietnam to generate sufficient public outcry to end the war. While members of VVAW shared the common goal of ending the war, each soldier had his own complex set of reasons for alleging war crimes in Vietnam – religion, professionalism, and masculinity all played a role.

Rather than merely seeking the limelight, many of the soldiers in the GI movement did not really want to testify about the atrocities they witnessed or participated in because they worried about negative public reactions, or were ashamed about their actions. Despite this, over one hundred veterans chose to participate in events like the Winter Soldier Investigation in Detroit, or the National Veterans' Inquiry in Washington, D.C., because they believed that it was their duty to do so. Facing condemnation from politicians and harassed by the Nixon administration, many of the soldiers who spoke at WSI considered their antiwar work a second tour of duty. They hoped to show that the primary causes of atrocities in Vietnam were the policies and procedures troops operated under. To spare additional scapegoats, these soldiers did not provide the names of the individuals involved in the war crimes they described. Capt. Robert Johnson explained by arguing that if Americans believed that Calley deserved prosecution for his role at My Lai, they should also insist that the Army court-martial the senior officers who

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[12] DeBenedetti and Chatfield, *An American Ordeal*, 177-198; Hunt, *The Turning*, Kindle 151, 1308.
[13] Hunt, *The Turning*, Kindle 1551.

enacted the policies Calley followed.[14] Enlisted men and junior officers were victims of the institution they served, according to this line of thinking.[15]

Moral confusion about atrocities afflicted both soldiers who reported atrocities and those who did not. James Rodarte and Steve Rose provide clear examples of soldiers who reported atrocities after having an internal struggle over the correct course of action. Rodarte initially appeared willing to conceal Sgt. Roy Bumgarner's murder of three Vietnamese duck farmers, but cooperated with authorities after discussing his moral duties as a Christian with the battalion chaplain.[16] Unlike Rodarte, Steve Rose contacted his Congressman to report atrocities, but rather than having a religious basis, his epiphany was that people cared more about atrocities by individual soldiers than they did the broader horror of the war.[17] Interrogator Nathan Hale testified at the National Veterans' Inquiry that while in Vietnam he tortured and abused prisoners, but over the course of a year, he could not longer justify his actions. His conscience required him to come forward.[18]

Some soldiers who chose not to report atrocities in any forum, including those who claimed that no one in their units committed atrocities, seemed to experience similar moral confusion regarding the issue of atrocities. Sgt. Warren Best, a medic who served in Bravo Company, 4/503rd from 1966 to 1967, claimed that no one in his unit abused Vietnamese civilians during his tour of duty, despite the public perceptions that they all did. He believed that

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[14] "Statement of Robert B. Johnson," in *The Dellums Committee Hearings on War Crimes in Vietnam; an Inquiry into Command Responsibility in Southeast Asia*, 57.
[15] Huebner, *The Warrior Image*, 210-217; Oliver, *The My Lai Massacre*, 53-70.
[16] See above, 164-184.
[17] See above, 101-104.
[18] Kunen, "Testimony of Nathan Hale," in *Standard Operating Procedure*, Kindle 1288.

a small number of psychopaths committed the war crimes that occurred in Vietnam.[19] As it was for the majority of the men in this study, the war in Vietnam was a source of moral confusion for Antoine Roy and other soldiers who did not report atrocities. Unlike many of his comrades, Roy believed that killing prisoners lowered Americans to the moral level of the enemy. However, he also contended that executing wounded Viet Cong was justified because the insurgents killed wounded GIs they captured. Roy similarly agreed that because the enemy was so brutal, Allied forces should use torture and harsh conditions when interrogating prisoners. At the same time, he believed that Calley's crimes at My Lai were worthy of execution.[20] Roy's confusion provides another illustration of the conflicts that bedeviled other soldiers serving in Vietnam, and sheds additional light on the dilemmas facing less voluble soldiers like Thomas Dvorak and Gilberto Carrasco. Dvorak attempted to avoid the implications of both not stopping Roy Bumgarner's murder of three civilians and having to testify against him, while Carrasco refused to make a moral judgment about the event, even when pressed by investigators.[21]

The conflicting understandings regarding soldiers' perceptions of atrocities in Vietnam presents additional areas of scholarly inquiry. Soldierly understanding of the morality of combat and abuse of civilians remain under-explored areas of military history because military historians often neglect the question of moral battlefields in the conflicts they study, either due to focus on operational, political, and economic factors, or to a paucity of sources dealing with the emotional reactions of soldiers to war. Even the focus on soldiers' experiences provided by the new military history favors the broader subjects of military campaigns or societal responses to

[19] Ronald Warren Best (AFC 2001/001/76678), Transcript (MS04), Veterans History Project Collection, American Folklife Center, Library of Congress.
[20] Antoine Roy, "Interview with Antoine Roy," interview by Richard B. Verrone, Ph.D.
[21] See above, 164-184.

warfare. The result is that historians rarely place the moral lapses or systemic factors leading to atrocities within useful ethical frameworks like those provided by Duncan or Kaurin, which focus on the conflict between personal and military *habitus*, or the relationship between honor, oath taking and agency.[22] Despite the number of atrocities that occurred during World War II, especially in the Pacific, the lack of public or historical memory of those events made My Lai even more shocking. Only media coverage of Calley's court-martial for murder at My Lai prompted World War II veterans to bring forth their own tales of war crimes.[23]

My Lai threatened Americans' very conception of war: that despite it being hell on earth, soldiers still carried their own moral world with them into combat. The first generation raised on movie Westerns believed that no matter what occurred, they were "the good guys – the men in white hats."[24] My Lai and subsequent revelations challenged that moral certainty. This *mentalité*, combined with the belief that all orders must be followed, allowed Sgt. Kenneth Hodges, one of only four men charged with crimes at My Lai, to insist that nothing immoral or criminal occurred there because the only moral imperative in combat was to follow orders. Hodges, Calley, and others like them developed an alternate moral world that allowed them to view their actions within a defensible moral context.[25] Other veterans, including Michael Uhl and Michael Bernhardt, came away from Vietnam disgusted and confused by atrocities they witnessed.[26] For many of them, understanding that they had made the wrong choice – to torture, murder, rape, or to remain silent – came too late.

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[22] See above, 24-26.
[23] Bilton and Sim, *Four Hours in My Lai*, 368-369.
[24] Bilton and Sim, *Four Hours in My Lai*, 371.
[25] Bilton and Sim, *Four Hours in My Lai*, 371.
[26] Uhl, *Vietnam Awakening*, Kidnle 1284; Bilton and Sim, *Four Hours in My Lai*, 373.

In one of the few historical studies dealing with the question of combat morality, Joanna Bourke argued that most soldiers refused to narrate their war stories in self-destructive ways. Despite the confusion of battle, they insisted on a sense of agency. Bourke contends that the ability to assert their individuality and sense of personal responsibility for their actions led to contradictions – how could individuals who claimed that they were merely following orders when they killed civilians also claim agency over their actions? Despite the contradiction, claiming agency made war a more bearable experience.[27] This made coming home, always a difficult task for combat veterans, easier because it allowed soldiers to develop constructive war stories in which to ground their experiences. Some soldiers still sought forgiveness for their roles in war by becoming the most ardent of peace activists, while others protested when the realities of combat violated their personal moral codes. Bourke argues that the majority of soldiers took neither of these paths when confronted with atrocities, but rather passively withdrew from the scene.[28]

Bourke's analysis ignores soldiers who found themselves unable to prevent atrocities, but who took quick and decisive measures to report them. The example of SP5 George Chunko, who wrote a formal affidavit describing the murder of Do Van Man in September 1969, and sent it to his family of his own accord, falls outside Bourke's framework of active intervention or passive avoidance. Chunko's morals required him to do something about the execution, but his circumstances prevented immediate action. Writing home was all he could do to seek justice.[29] Bourke also falsely attributes passivity to soldiers, like Antoine Roy, who faced a moral

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[27] Bourke, *An Intimate History of Killing*, 358-359.
[28] Bourke, *An Intimate History of Killing*, 361-362.
[29] See above, 94-100.

quandary related to atrocities. This second group of soldiers who equivocated on the issue of war crimes offers an additional avenue for study.

America’s long twenty-first century wars in Iraq and Afghanistan demonstrate the importance of understanding the connection between combat service, atrocities, and soldiers’ moral frameworks. In recent years, small groups of therapists and psychologists have moved beyond the diagnosis of Post-Traumatic Stress Disorder, which is based on the soldiers’ fears, to a related disorder they refer to as “moral injury,” which results when soldiers find themselves forced into actions that violate their existing understanding of morality. In an incident reminiscent of David Johnson’s killing of a young girl wielding grenades in Vietnam, Nick Rudolph, a Marine who served in Afghanistan, suffers from the disorder after shooting a thirteen year-old boy wielding an AK-47 assault rifle.[30] While Rudolph acted within the laws of war, he retains the moral burden of killing a child.[31] Although it is not yet officially recognized by the Department of Defense, moral injury may be the signature wound of soldiers serving in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF).[32] Post-Traumatic Stress Disorder, a mental injury that sprang into the national consciousness after the Vietnam War, is brought on by the fear induced by a traumatic event such as witnessing violent death or injury. In contrast, moral injury is caused by the conflict between soldiers’ perception of themselves as good people who are acting honorably and doing a good job, and the feeling that the actions they sometimes must take are also morally wrong. The wars in Iraq and Afghanistan repeatedly placed American soldiers in situations where their conception of themselves as good people

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[30] "U.S. Deserter Says Killing Altered View," *Los Angeles Times*, January 1, 1972.

[31] David Wood, "‘I’m A Good Person."

[32] The Armed Forces Health Surveillance Center reported that mental health issues were the most prevalent reason for medical evacuations from Iraq and Afghanistan from 2001 and 2012. David Wood, "‘I’m A Good Person’."

clashed with the things they had to do to survive. The repeated deployments many troops experienced during OIF and OEF exacerbate this problem by increasing the chances that they would be thrust into situations requiring morally ambiguous responses.[33]

The questions that afflict soldiers serving in recent wars echo those of soldiers who witnessed or participated in atrocities in Vietnam. What does it mean to act morally in the ambiguous environment of war? Who is most responsible for the horrific acts that occur during wars – the soldiers, or the people who send them to fight? How do soldiers deal with the cognitive dissonance of perceiving themselves as good people who have done horrible things? The difficulty of separating noncombatants from armed enemies was a defining characteristic of all three conflicts, which also lacked clearly defined objectives and sides. As with many soldiers who served in Vietnam, significant numbers of veterans of Iraq feel deceived by their leaders when they return home. The similarities in the way that returning soldiers view the three conflicts argue for additional study into the moral frameworks they developed to cope with the reality of combat. Nick Rudolph's experience outside Marjah, Afghanistan mirrors that of David Johnson in Vietnam. Both experienced serious negative consequences from the resulting moral confusion – Johnson deserted from the Army and joined the antiwar movement, while Rudolph turned to alcohol and prescription sleeping medication to relieve his feelings of guilt.[34] After three tours of duty, the Marines discharged him for a "pattern of misconduct."[35]

Veterans of all three conflicts also report similar feelings of guilt and shame when involved in activities that challenge their moral beliefs. Marine Staff Sergeant Felipe Tremillo

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[33] David Wood, "'I'm A Good Person'."
[34] See above, 150-152.
[35] David Wood, "'I'm A Good Person'."

remains tormented by the suffering of women and children in Iraq and Afghanistan who American forces were supposedly there to protect. He and his men protected themselves from potential violence by holding families at gunpoint while searching their homes for weapons and insurgents. The clash between necessity and his moral standards continues to plague him: "We'd do raids, going in people's homes and people would get hurt."[36] Tremillo's concerns echo those of soldiers present at My Lai, who wondered why they did not prevent what happened, or do more to save civilians from their comrades. Other soldiers report that having to kill women and children used by insurgents in attacks on Americans left them feeling too unclean to hold their own children when they returned home.[37]

The need for additional study of how soldiers navigated the moral battlefield while in combat becomes even more obvious when we compare patterns of service between Vietnam and subsequent conflicts. Vietnam veterans most often served a single tour of duty, while veterans of OIF/OEF served multiple combat tours during their enlistments. Although the settings and activities of the wars are not identical, the similarities between long, unpopular wars against insurgents are similar enough that study of how veterans of Vietnam handled internal moral conflicts will increase our understanding of more recent conflicts.

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[36] David Wood, "'I'm A Good Person'."
[37] David Wood, "'I'm A Good Person'."

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For ease of use, I have divided the sources referred to in the text into sections listing primary and secondary sources. The primary sources fall into several categories: archival sources, oral histories, magazine and newspaper articles, memoirs, government documents, and courts-martial records. I have not subdivided this section further because the nature of each source is clear from the content of its entry.

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