

Was the My Lai Massacre a "War Crime"?

Debate Lesson Plan

Objective: Students will understand the My Lai massacre and determine whether or not this event should be classified as a "war crime" based on the experiences of American soldiers.

Why I Created this Lesson: I recently read an article in *Social Education* magazine ("Researching the Vietnam War Inside Vietnam: U.S. Student Teachers Explore War Myths") in which 55% of students surveyed in a poll said their teachers "barely covered" the Vietnam War in high school. In addition to this staggering statistic, the author (Robert E. Vadas) made the statement that most students had never heard of My Lai. The My Lai massacre, in my opinion, is the perfect example of how war can physically and mentally affect soldiers. It not only shows the brutality of war, but also raises larger questions about the treatment of civilians and war crimes. Does the nature of warfare make acts of violence against civilians acceptable? Can we use the physical and mental exhaustion of soldiers and warfare as an excuse? Who should be held accountable?

This is a topic that has many parallels to the war in Iraq today (Example: Haditha incident in 2005). Students will be able to use history to form intelligent opinions about the treatment of civilians during times of war.

Materials Used:

- "Geneva Convention Relative to the Protection of Civilian Persons in Time of War" (<http://www.unhcr.ch/html/menu3/b/92.htm>)
- *Working-Class War* by Christian Appy
- American Experience: Vietnam Online (http://www.pbs.org/wgbh/amex/vietnam/trenches/my_lai.html)
- Famous American Trials: The My Lai Courts-Martial (<http://www.law.umkc.edu/faculty/projects/ftrials/mylai/mylai.htm>)
- Into the Dark: The My Lai Massacre (http://www.crimelibrary.com/notorious_murders/mass/lai/index_1.html)
- *Iraq and the Lessons of Vietnam: Or, How NOT to Learn From the Past* edited by Lloyd C. Gardner and Marilyn B. Young
- "Collateral Damage or Civilian Killings in Haditha?" from *Time Magazine*, March 2006 (<http://www.time.com/time/world/printout/0,8816,1174649,00.html>)

Student Materials:

- "What Would You Do?" scenario worksheet
- Internet access
- My Lai Debate Research Template

Prior Knowledge of Students:

- Students will have already studied the Vietnam War, from the basic information (timeline) to the first-hand accounts of soldiers.

Procedures:

Setting Up the Lesson:

- Distribute “What Would You Do?” scenarios. Ask students to consider the situations and answer reflection questions on whether or not each action is inevitable in a time of war.
 - Give students a few minutes to read and respond to scenarios.
 - Share responses as a class.
 - Reveal the “real” situation to the class and explain that these are events in which individuals have been accused of committing war crimes.
- Ask students to define a war crime and encourage them to use the scenarios to help them formulate their answers.
 - Discuss as a class.
 - Can they name other examples?
- Share definition of “war crime” as defined by the Geneva Convention.

The Debate:

- Explain that the My Lai massacre in 1968 was represented by scenario #4.
- Have students read about the My Lai Massacre (Using excerpt from *Working-Class War*, pages 273-277). What are their impressions? Were the soldiers justified in their actions? What might have caused the soldiers to act this way? DOES IT FIT THE DEFINITION OF “WAR CRIME” as discussed earlier?
- Assign each student a side to the question: “Was the My Lai Massacre a War Crime?”
 - Students will research information for a graded debate in class.
 - Students must include the required sources in their research as they generate ten facts that support their assigned position.
 - Students will complete a research template to help them in their debate.
 - When the class debate takes place, students will be expected to speak at least three times, using their statistics found in research.

Extension Activity:

- Ask students to consider the war in Iraq today. What do they know about typical fighting? What potential obstacles would a soldier face in Iraq?
- Students will read article “Collateral Damage or Civilian Killings in Haditha?” (From *Time Magazine*, March 2006).
 - Students will come to class prepared to compare and contrast My Lai and Haditha.
 - Possible Activities: discussion, RAFT assignment, graphic organizer, White House briefing

What Would You Do?

Directions: Read each of the following scenarios and determine whether or not:

- Is this type of action necessary in a time of war? If so, why?
- If not, should someone be held responsible for these actions in a court of law?

Scenario #1:

In a time of war, a naval commander for a European country orders his submarines to attack ALL ships, regardless of whether or not they are transporting civilians. His goal is to hit submarines that may be carrying weapons to his enemy. When one of his submarines DOES attack a ship that was transporting civilians and NOT weapons, he does NOT rescue the survivors. (Answer: Nazi commander Karl Donitz was NOT found guilty of war crimes during WWII, but WAS found guilty of waging wars of aggression).

→My Response:

Scenario #2:

An eastern European country contains several ethnic groups. Groups from surrounding countries have lived in "Country A" for years. Due to ethnic tensions in the country, the leader of Country A begins a campaign to "rid" his country of these foreigners. He has burned their villages, arrested them without trial, and murdered many. Over 500,000 have fled Country A for safety. When outside forces intervened, several mass graves were discovered with thousands of bodies. It is estimated that 100,000 civilians are either missing or have been killed.

(Answer: This scenario represents the genocide in Kosovo in 1999 under Slobodan Milosevic. He was charged with crimes against humanity, including murder, forcible transfer, deportation and "persecution on political, racial or religious grounds", but died before the end of his trial.)

→My Response:

Scenario #3:

In an effort to fight the “War on Terror”, a prison has been established for “persons of suspicion” to be detained for further questioning. Many of these prisoners are arrested and detained without arrest warrants and are not given the right to counsel (a lawyer). Yet, valuable information may result from questioning these suspects. In order to “extract” this information, the following tactics are used: pouring the phosphoric liquid on detainees; pouring cold water on naked detainees; beating detainees with a broom handle and a chair; frightening and intimidating detainees with threats of attack, and in one instance actually biting a detainee.

(Answer: The above scenario describes the conditions at Abu Ghraib during the Iraq War. While several U.S. soldiers have been brought to trial for their actions, many have been acquitted, dishonorably discharged, or are serving light sentences.)

→My Response:

Scenario #4:

You are a U.S. soldier. You have been assigned to fight in a jungle country. It is difficult to distinguish your enemy from everyday civilians. A recent attack on your company resulted in the death of a close friend. You have been asked to raid the homes of suspected enemies and confiscate weapons. You raid the homes, but find no weapons. You’re emotionally and physically exhausted. You take your frustration out on the villagers you have encountered. Before you know it, you and your fellow soldiers have burned the village to the ground and killed many of its civilians.

(Answer: The above scenario represents the My Lai Massacre during Vietnam. Only one man was arrested for this incident and has since been pardoned.)

→My Response:

Was the My Lai Massacre a "War Crime?"

Research Template

My Position:

The My Lai Massacre WAS / WAS NOT a war crime.

HISTORICAL REFERENCES:

Using the following sources, find 10 historical references that support your position. Make sure you cite the sources used!

- "Geneva Convention Relative to the Protection of Civilian Persons in Time of War" (<http://www.unhcr.ch/html/menu3/b/92.htm>)
- American Experience: Vietnam Online (http://www.pbs.org/wgbh/amex/vietnam/trenches/my_lai.html)
- Working-Class War by Christian Appy
- Famous American Trials: The My Lai Courts-Martial (<http://www.law.umkc.edu/faculty/projects/ftrials/mylai/mylai.htm>)
- Into the Dark: The My Lai Massacre (http://www.crimelibrary.com/notorious_murders/mass/lai/index_1.html)
- Iraq and the Lessons of Vietnam: Or, How NOT to Learn From the Past edited by Lloyd C. Gardner and Marilyn B. Young

1.) Reference:

Source of Information: _____

2.) Reference:

Source of Information: _____

3.) Reference:

Source of Information: _____

4.) Reference:

Source of Information: _____

5.) Reference:

Source of Information: _____

6.) Reference:

Source of Information: _____

7.) Reference:

Source of Information: _____

8.) Reference:

Source of Information: _____

9.) Reference:

Source of Information: _____

10.) Reference:

Source of Information: _____

Geneva Convention relative to the Protection of Civilian Persons in Time of War

Adopted on 12 August 1949 by the Diplomatic Conference for the Establishment of International Conventions for the Protection of Victims of War, held in Geneva from 21 April to 12 August, 1949

entry into force 21 October 1950

From PART IV
EXECUTION OF THE CONVENTION
SECTION I
GENERAL PROVISIONS

Article 146

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a prima facie case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

Article 147

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

Article 148

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.



Sunday, Mar. 19, 2006

Collateral Damage or Civilian Massacre in Haditha?

By TIM MCGIRK / BAGHDAD

The incident seemed like so many others from this war, the kind of tragedy that has become numbingly routine amid the daily reports of violence in Iraq. On the morning of Nov. 19, 2005, a roadside bomb struck a humvee carrying Marines from Kilo Company, 3rd Battalion, 1st Marines, on a road near Haditha, a restive town in western Iraq. The bomb killed Lance Corporal Miguel (T.J.) Terrazas, 20, from El Paso, Texas. The next day a Marine communique from Camp Blue Diamond in Ramadi reported that Terrazas and 15 Iraqi civilians were killed by the blast and that "gunmen attacked the convoy with small-arms fire," prompting the Marines to return fire, killing eight insurgents and wounding one other. The Marines from Kilo Company held a memorial service for Terrazas at their camp in Haditha. They wrote messages like "T.J., you were a great friend. I'm going to miss seeing you around" on smooth stones and piled them in a funeral mound. And the war moved on.

But the details of what happened that morning in Haditha are more disturbing, disputed and horrific than the military initially reported. According to eyewitnesses and local officials interviewed over the past 10 weeks, the civilians who died in Haditha on Nov. 19 were killed not by a roadside bomb but by the Marines themselves, who went on a rampage in the village after the attack, killing 15 unarmed Iraqis in their homes, including seven women and three children. Human-rights activists say that if the accusations are true, the incident ranks as the worst case of deliberate killing of Iraqi civilians by U.S. service members since the war began.

In January, after Time presented military officials in Baghdad with the Iraqis' accounts of the Marines' actions, the U.S. opened its own investigation, interviewing 28 people, including the Marines, the families of the victims and local doctors. According to military officials, the inquiry acknowledged that, contrary to the military's initial report, the 15 civilians killed on Nov. 19 died at the hands of the Marines, not the insurgents. The military announced last week that the matter has been handed over to the Naval Criminal Investigative Service (ncis), which will conduct a criminal investigation to determine whether the troops broke the laws of war by deliberately targeting civilians. Lieut. Colonel Michelle Martin-Hing, spokeswoman for the Multi-National Force-Iraq, told Time the involvement of the ncis does not mean that a crime occurred. And she says the fault for the civilian deaths lies squarely with the insurgents, who "placed noncombatants in the line of fire as the Marines responded to defend themselves."

Because the incident is officially under investigation, members of the Marine unit that was in Haditha on Nov. 19 are not allowed to speak with reporters. But the military's own reconstruction of events and the accounts of town residents interviewed by Time—including six whose family members were killed that day—paint a picture of a devastatingly violent response by a group of U.S. troops who had lost one of their own to a deadly insurgent attack and believed they were under fire. Time obtained a videotape that purports to show the aftermath of the Marines' assault and provides graphic documentation of its human toll. What happened in Haditha is a reminder of the horrors faced by civilians caught in the middle of war—and what war can do to the people who fight it.

Here's what all participants agree on: at around 7:15 a.m. on Nov. 19, a U.S. humvee was struck by a powerful improvised explosive device (ied) attached to a large propane canister, triggered by remote control. The bomb killed Terrazas, who was driving, and injured two other Marines. For U.S. troops, Haditha, set among date-palm groves along the Euphrates River, was inhospitable territory; every day the Marines found scores of bombs buried in the dirt roads near their base. Eman Waleed, 9, lived in a house 150 yards from the site of the blast, which was strong enough to shatter all the windows in her home. "We heard a big noise that woke us all up," she recalls two months later. "Then we did what we always do when there's an explosion: my father goes into his room with the Koran and prays that the family will be spared any harm." Eman says the rest of the family—her mother, grandfather, grandmother, two brothers, two aunts and two uncles—gathered in the living room. According to military officials familiar with the investigation, the Marines say they came under fire from the direction of the Waleed house immediately after being hit by the ied. A group of Marines headed toward the house. Eman says she "heard a lot of shooting, so none of us went outside. Besides, it was very early, and we were all wearing our nightclothes." When the Marines entered the house, they were shouting in English. "First, they went into my father's room, where he was reading the Koran," she claims, "and we heard shots." According to Eman, the Marines then entered the living room. "I couldn't see their faces very well—only their guns sticking into the doorway. I watched them shoot my grandfather, first in the chest and then in the head. Then they killed my granny." She claims the troops started firing toward the corner of the room where she and her younger brother Abdul Rahman, 8, were hiding; the other adults shielded the children from the bullets but died in the process. Eman says her leg was hit by a piece of metal and Abdul Rahman was shot near his shoulder. "We were lying there, bleeding, and it hurt so much. Afterward, some Iraqi soldiers came. They carried us in their arms. I was crying, shouting 'Why did you do this to our family?' And one Iraqi soldier tells me, 'We didn't do it. The Americans did.'" Time was unable to speak with the only other survivor of the raid, Eman's younger brother, who relatives say is traumatized by the experience. U.S. military officials familiar with the investigation say that after entering the house, the Marines walked into a corridor with closed doors on either side. They thought they heard the clack-clack sound of an AK-47 being racked and readied for fire. (Eman and relatives who were not in the house insist that no guns were there.) Believing they were about to be ambushed, the Marines broke down the two doors simultaneously and fired their weapons. The officials say the military has confirmed that seven people were killed inside the house—including two women and a child. The Marines also reported seeing a man and a woman run out of the house; they gave chase and shot and killed the man. Relatives say the woman, Hiba Abdullah, escaped with her baby.

According to military officials, the Marines say they then started taking fire from the direction of a second house, prompting them to break down the door of that house and throw in a grenade, blowing up a propane tank in the kitchen. The Marines then began firing, killing eight residents—including the owner, his wife, the owner's sister, a 2-year-old son and three young daughters.

The Marines raided a third house, which belongs to a man named Ahmed Ayed. One of Ahmed's five sons, Yousif, who lived in a house next door, told Time that after hearing a prolonged burst of gunfire from his father's house, he rushed over. Iraqi soldiers keeping watch in the garden prevented him from going in. "They told me, 'There's nothing you can do. Don't come closer, or the Americans will kill you too.' The Americans didn't let anybody into the house until 6:30 the next morning." Ayed says that by then the bodies were gone; all the dead had been zipped into U.S. body bags and taken by Marines to a local hospital morgue. "But we could tell from the blood tracks across the floor what happened," Ayed claims. "The Americans gathered my four brothers and took them inside my father's bedroom, to a closet. They killed them inside the closet."

The military has a different account of what transpired. According to officials familiar with the investigation, the Marines broke into the third house and found a group of 10 to 15 women and children. The troops say they left one Marine to guard that house and pushed on to the house next door, where they found four men, one of whom was wielding an AK-47. A second seemed to be reaching into a wardrobe for another weapon, the officials say. The Marines shot both men dead; the military's initial report does not specify how the other two men died. The Marines deny that any of the men were killed in the closet, which they say is too small to fit one adult male, much less four. According to the military officials, the series of raids took five hours and left at least 23 people dead. In all, two AK-47s were discovered. The military has classified the 15 victims in the first two houses as noncombatants. It considers the four men killed in the fourth house, as well as four youths killed by the Marines near the site of the roadside bombing, as enemy fighters. The question facing naval detectives is whether the Marines' killing of 15 noncombatants was an act of legitimate self-defense or negligent homicide. Military sources say that if the ncis finds evidence of wrongdoing, U.S. commanders in Iraq will decide whether to pursue legal action against the Marines.

The available evidence does not provide conclusive proof that the Marines deliberately killed innocents in Haditha. But the accounts of human-rights groups that investigated the incident and survivors and local officials who spoke to Time do raise questions about whether the extent of force used by the Marines was justified—and whether the Marines were initially candid about what took place. Dr. Wahid, director of the local hospital in Haditha, who asked that his family name be withheld because, he says, he fears reprisals by U.S. troops, says the Marines brought 24 bodies to his hospital around midnight on Nov. 19. Wahid says the Marines claimed the victims had been killed by shrapnel from the roadside bomb. "But it was obvious to us that there were no organs slashed by shrapnel," Wahid says. "The bullet wounds were very apparent. Most of the victims were shot in the chest and the head--from close range."

A day after the incident, a Haditha journalism student videotaped the scene at the local morgue and at the homes where the killings had occurred. The video was obtained by the Hammurabi Human Rights Group, and has been shared with TIME. The tape makes for grisly viewing. It shows that many of the victims, especially the women and children, were still in their nightclothes when they died. The scenes from inside the houses show that the walls and ceilings are pockmarked with shrapnel and bullet holes as well as the telltale spray of blood. But the video does not reveal the presence of any bullet holes on the outside of the houses, which may cast doubt on the Marines' contention that after the ied exploded, the Marines and the insurgents engaged in a fierce gunfight.

There are also questions about why the military took so long to investigate the details of the Haditha incident. Soon after the killings, the mayor of Haditha, Emad Jawad Hamza, led an angry delegation of elders up to the Marine camp beside a dam on the Euphrates River. Hamza says, "The captain admitted that his men had made a mistake. He said that his men thought there were terrorists near the houses, and he didn't give any other reason."

But the military stood by its initial contention—that the Iraqis had been killed by an insurgent bomb—until January when Time gave a copy of the video and witnesses' testimony to Colonel Barry Johnson, a U.S. military spokesman in Baghdad. After reviewing the evidence, Johnson passed it on to the military command, suggesting that the events of Haditha be given "a full and formal investigation." In February an infantry colonel went to Haditha for a weeklong probe in which he interviewed Marines, survivors and doctors at the morgue, according to military officials close to the investigation. The probe concluded that the civilians were in fact killed by Marines and not by an insurgent's bomb and that no insurgents appeared to be in the first two houses raided by the Marines. The probe found, however, that the deaths were the result of "collateral damage" rather than malicious intent by the Marines, investigators say.

The U.S. has paid relatives of the victims \$2,500 for each of the 15 dead civilians, plus smaller payments for the injured. But nothing can bring back all that was taken from 9-year-old Eman Waleed on that fateful day last November. She still does not comprehend how, when her father went in to pray with the Koran for the family's safety, his prayers were not answered, as they had been so many times in the past. "He always prayed before, and the Americans left us alone," she says. Leaving, she grabs a handful of candy. "It's for my little brother," she says. "I have to take care of my brother. Nobody else is left."

--With reporting by Aparisim Ghosh/Baghdad

In the original version of this story, TIME reported that "a day after the incident, a Haditha journalism student videotaped the scene at the local morgue and at the homes where the killings had occurred. The video was obtained by the Hammurabi Human Rights Group, which cooperates with the internationally respected Human Rights Watch, and has been shared with TIME." In fact, Human Rights Watch has no ties or association with the Hammurabi Human Rights Group. TIME regrets the error.

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