

# THE VIETNAM WAR ON TRIAL<sup>1</sup>

REVIEWED BY MAJOR ANDRAS M. MARTON<sup>2</sup>

*[Brigadier General George H.] Young reportedly began this crisis conclave by telling the others: “Only five of us know about this.”*<sup>3</sup>

As history bears out and as *The Vietnam War on Trial* highlights, not “only five knew about this”<sup>4</sup> but rather, the whole world would come to know of the massacre of over 500 unarmed Vietnamese civilian men, women, and children<sup>5</sup> in the city of My Lai during the Vietnam War.<sup>6</sup> As facts of the murderous killings of these innocent civilians on 16 March 1968, reached across the sea to the United States,<sup>7</sup> the name First Lieutenant (1LT) William L. Calley, Jr.<sup>8</sup> became not just a household name but also an unsuspecting symbol for the greater war in Vietnam.<sup>9</sup>

This review analyzes the structure and content of *The Vietnam War on Trial*, identifies strengths and weaknesses of what Professor Michal R. Belknap included or should have discussed, and concludes with the work’s value to today’s military leader and judge advocate. In the book, Belknap captivantly takes the reader from 1LT Calley’s childhood, through his military training and military service in Vietnam, to his court-martial, and various post-trial appeals and legal challenges. Belknap skillfully paints 1LT Calley’s political trial<sup>10</sup> as a backdrop for his primary canvas of discussing the legal and political fallout generated by the My Lai massacre.<sup>11</sup> As Belknap explains, 1LT Calley’s trial drove the entire U.S. public to challenge the very underpinnings of the Vietnam War.<sup>12</sup> This single trial changed the political landscape of the nation, influencing U.S. President Richard M. Nixon and the national leadership in Congress, to alter its course and position in Vietnam.<sup>13</sup>

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<sup>1</sup> MICHAL R. BELKNAP, *THE VIETNAM WAR ON TRIAL: THE MY LAI MASSACRE AND THE COURT-MARTIAL OF LIEUTENANT CALLEY* (2002). Michael Belknap is currently a professor of constitutional law at California Western School of Law, San Diego, California. *Id.* at back cover. Belknap served as a U.S. Army Infantry lieutenant during the Vietnam War. *Id.* at 2. Professor Belknap “is an historian-turned-lawyer.” California Western School of Law, Faculty, *Michal R. Belknap*, at <http://www.cwsl.edu/main/faculty> (last visited Sept. 3, 2005). He taught history at the University of Texas while he earned his Juris Doctor at its law school, taught history at the University of Georgia, and currently teaches as an adjunct professor of history at the University of California, San Diego. *Id.*

<sup>2</sup> U.S. Army. Written while assigned as a student, 53d Judge Advocate Officer Graduate Course, The Judge Advocate General’s Legal Center and School, U.S. Army, Charlottesville, Virginia.

<sup>3</sup> BELKNAP, *supra* note 1, at 83. Brigadier General (BG) Young served as the Assistant Division Commander for the Americal Division, the senior command element over Charlie Company, 1st Battalion, 20th Infantry, to which 1LT Calley was assigned. *Id.* at 37, 82-83. The others present at this meeting on 18 March 1968, to discuss what to do about the events on 16 March, were the acting 11th Brigade Commander, Colonel Oran Henderson; Task Force Barker Commander, Lieutenant Colonel (LTC) Frank Barker; LTC John L. Holladay, 123d Aviation Battalion Commander; and Company B, 123d Aviation Company Commander, Major Frederic Watke. *Id.* at 83.

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

<sup>5</sup> *See id.* at 78.

<sup>6</sup> *See id.* at 1 (stating that the massacre at My Lai “was a crime that ‘stung the national conscience,’ as Telford Taylor observed in a 1970 book” entitled *Nuremberg and Vietnam: An American Tragedy* (1970)). NUREMBERG AND VIETNAM: AN AMERICAN TRAGEDY (1970). The investigation into the events at My Lai, revealed that 1LT Calley not only ordered his Soldiers to round up unarmed men, women, and children in the city but literally to mow them down. *See id.* at 69-77. First Lieutenant Calley, himself, killed some of these victims at point blank range with his rifle. *See id.* at 73. The United States ultimately charged 1LT Calley with four specifications of premeditated murder for killing 107 unarmed My Lai residents at a trail junction and ditch, killing a monk, and committing assault with intent to commit murder on a baby. *See id.* at 114, 188. A general court-martial convicted him of all specifications, but for only twenty-two of the murders and sentenced 1LT Calley to life in prison. *See id.* at 188, 190.

<sup>7</sup> *See id.* at ix.

<sup>8</sup> *See id.* at 1.

<sup>9</sup> *See generally id.* at 191-215 (detailing the U.S. public outcry upon discovery of the events at My Lai).

<sup>10</sup> *See id.* at 2-3.

<sup>11</sup> *See id.* at 5.

<sup>12</sup> *See generally id.* at 191-256. Belknap notes, quoting from *Time* magazine, the Calley “case embodied everything that was wrong with the war [in Vietnam]. It also fed mounting pressures to end that increasing unpopular conflict.” *Id.* at 1.

<sup>13</sup> *See id.* at 191-256.

Belknap describes in remarkable detail each of the key events leading up to, and the major players ultimately involved in, the My Lai massacre and the various prosecution and defense counsel in the ensuing trial of 1LT Calley.<sup>14</sup> The *Bibliographical Essay* explains that Belknap relied upon well over ninety-five different primary and secondary sources—from books to court-martial transcripts to the personal files of White House officials<sup>15</sup>—certainly quelling any skepticism about the authenticity of the facts and information Belknap provides.<sup>16</sup>

Although Belknap offers fascinating background information, he spends far too long—nearly three chapters—scrolling through statistic after statistic, thereby detracting from his narrative.<sup>17</sup> He covers a broad spectrum of statistics, from the money requested and spent by the U.S. government on the Vietnam War,<sup>18</sup> to increasing troop numbers,<sup>19</sup> to polls, statistics, and letters on the American population’s disapproval of the war and 1LT Calley’s conviction.<sup>20</sup>

Belknap further provides a virtual laundry list of polls from various sources that track every legal and political action and reaction that are both distracting and confusing. Belknap could have better served his readers by simply averaging the various polls or citing the more generic labels of “majority” and “minority” views.<sup>21</sup> Similarly, Belknap discusses the conditions the Soldiers endured in Vietnam and the structure and tactics of the Vietcong,<sup>22</sup> which, while informative, failed to tie into the book’s primary focus on 1LT Calley’s trial and its aftermath.

The book’s major weakness concerns information Belknap did not provide. Most noticeably missing is any insight from 1LT Calley himself. Belknap attempted to interview 1LT Calley, but the former officer never responded to Belknap’s requests.<sup>23</sup> First Lieutenant Calley would gain little if he provided an interview at this point since whatever he says would likely ignite another firestorm of commentary and criticism especially in light of the volatility his trial created and the feeding frenzy mentality of today’s media. Also conspicuously missing in this book were any maps to accompany Belknap’s description of Charlie Company’s movements on the day of the massacre,<sup>24</sup> photographs of the massacre<sup>25</sup> or even a photo of 1LT Calley, or a chain of command diagram. Maps and photos would have provided a visual context of the events in My Lai and driven home the brutality and senseless slaughter of innocent civilians on that fateful day in Vietnam. From a military perspective, although perhaps unavailable, it would have helped to know the ranks of more of the characters Belknap discusses as he unfolds the events of 16 March 1968,<sup>26</sup> to understand who outranked or led the other Soldiers he describes.

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<sup>14</sup> See *id.* at 23, 27-31, 33-39, 48, 53-54, 56, 144-49.

<sup>15</sup> See *id.* at 269-282. More specifically, Belknap’s sources about the My Lai massacre and 1LT Calley, impressively, range from books; dozens of news articles; at least twenty-six boxes of actual court-martial transcripts of the 1LT Calley trial; 1LT Calley’s appellate cases and their corresponding records; congressional and Department of Defense reports, hearings, investigations, and records; scholarly articles; manuscript material in the official Presidential Office Files; poll statistics; and many letters sent by the American public found in the White House Central Files and the various courts in which this case appeared. *Id.*

<sup>16</sup> Aside from his extraordinary research, Belknap explains the military and legal acronyms and jargon he uses throughout the book, thereby assisting non-military readers. See, e.g., *id.* at 36, 37, 44-46, 50, 55, 49, 68, 73, 88, 99, 100, 101, 114, 132, 146, 149, 152, 153, 159, 175, 181, and 194. Belknap also provides an extremely helpful eleven-page chronology at the end of the book, delineating the interplay of the Vietnam War, the massacre and subsequent trials, and key political events. See *id.* at 257-68.

<sup>17</sup> See generally *id.* at 7-36, 130-33, 193-99, 204-15.

<sup>18</sup> See *id.* at 8-10, 17 (detailing President John F. Kennedy’s approval of additional funds to fight the Vietnam War and the war’s cost).

<sup>19</sup> See *id.* at 8-10, 13, 15.

<sup>20</sup> See *id.* at 20-22, 193-97, 199, 204, 207-15.

<sup>21</sup> It is interesting, however, to compare the public perception of the 1LT Calley trial with that of the more recent famous murder trial, the O.J. Simpson case. Although not as polarized as the 1LT Calley verdict (where seventy-nine percent disagreed in a Gallup Poll with Calley’s conviction and life sentence), fifty-six percent disagreed with O.J. Simpson’s acquittal in a Gallup Poll just after his trial. See 1995 Gallup-CNN/USA Today Poll, The O.J. Simpson Trial: Opinion Polls (Oct. 3, 1995), <http://www.law.umkc.edu/faculty/projects/ftrials/Simpson/polls.html>.

<sup>22</sup> See BELKNAP, *supra* note 1, at 43-48.

<sup>23</sup> See *id.* at xiv.

<sup>24</sup> See, e.g., *id.* at 50-54, 59-60.

<sup>25</sup> See, e.g., *id.* at 66, 120.

<sup>26</sup> See *id.* at 62-72. Belknap refers to the Soldiers involved with My Lai, either directly or as witnesses, mostly by name with no rank. Occasionally, he cites what military job they held leaving the civilian reader still wondering what rank they held and what, if any authority, they had over the Soldiers committing atrocities at My Lai. For example, Belknap refers to “one of Brooks’s men, Thomas Partsch . . . .” Another member of the Second Platoon, Vernardo Simpson. . . . Platoon Sergeant Jay Buchanon . . . .” *Id.* at 65.

Despite Belknap's remarkable and meticulous detail, the book lacks legal analysis. Belknap, as a constitutional and criminal law professor, could have better explained the legal aspects of the cases and acts to which he cites.<sup>27</sup> For example, Belknap discusses the questions asked of the witnesses called by the military panel in 1LT Calley's court-martial,<sup>28</sup> but he never explains the legal authority that grants this unique privilege in a court-martial,<sup>29</sup> which is generally foreign to the civilian court-system.

Interestingly, Belknap notes that Soldiers deploying to Vietnam were actually trained on the 1949 Geneva Convention on the Laws of War (explaining that "persons taking no active part in hostilities . . . must be treated humanely") and the 1907 Hague Convention on Land Warfare (prohibiting attack or bombardment of undefended towns and villages).<sup>30</sup> Soldiers carried two pocket-sized cards "at all times" explaining how to treat civilians and prisoners.<sup>31</sup> In fact, 1LT Calley admitted to receiving training on the Geneva Convention but that he "can't remember any of the classes."<sup>32</sup> Even more astounding, 1LT Calley, taught a class where he "read off a [Pentagon] SOP of 'Do's and Don'ts,'" including "not [to] assault the women."<sup>33</sup> Instead of Belknap driving home the importance of these well-established legal requirements on Soldiers in Vietnam and today—or even explaining the legal significance of the Conventions—he focused on the legally rejected principle of "following the orders of their superiors—absolutely and without reservation . . ."<sup>34</sup>

While Belknap rebukes the efforts of 1LT Calley's defense team with regard to his extenuation and mitigation case,<sup>35</sup> he fails to discuss thoroughly what the defense could have done under the Manual for Courts-Martial.<sup>36</sup> Belknap should have provided a brief explanation of the appellate process and legally permissible intervention by civilian leadership.<sup>37</sup> A reader without a legal background may be confused trying to understand mechanically how 1LT Calley could appeal his conviction. The law allows 1LT Calley to appeal through the military appellate system while simultaneously seeking habeas corpus<sup>38</sup> relief through the "civilian" federal court system, and ultimately seeking final relief from the Supreme Court.

Another missing aspect of the book is Belknap's own interpretation and personal views on the Vietnam War and 1LT Calley's trial, especially considering the detail Belknap provides discussing what others have said about these events. Belknap provides innuendoes as to his perspective in a few places but he generally maintains a balanced and objective review of this entire historical event. Belknap's unique perspective as a "historian-turned-lawyer," law professor, and Vietnam War Army officer, would provide the reader an insider's perspective to what was going on at the time and assist in relating the events to today's justice system.<sup>39</sup> Belknap does take noticeable positions lauding the efforts of 1LT Calley's prosecution, while ridiculing the dismal efforts of his defense.<sup>40</sup> Nonetheless, since Belknap's purpose really seemed to be the political

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<sup>27</sup> See, e.g., *id.* at 150, 152, 163, 172, 180-81, 229, 253. Belknap does note that the *Jencks Act* provides that "in any federal criminal prosecution, once a government witness testifie[s] on direct examination, the United States ha[s] to produce for in camera inspection any statements he had made previously that were in its possession." *Id.* at 152.

<sup>28</sup> See, e.g., *id.* at 179-80.

<sup>29</sup> See MANUAL FOR COURTS-MARTIAL, UNITED STATES, MIL. R. EVID. 614 (2005).

<sup>30</sup> See BELKNAP, *supra* note 1, at 42.

<sup>31</sup> See *id.* Titled "Nine Rules," the first card admonished Soldiers "to remember that they were guests in South Vietnam, to make friends with the people, to treat the women politely and with respect, and to avoid 'loud, rude, or unusual behavior.'" *Id.* The second card, "The Enemy in Your Hands," "informed Soldiers explicitly that 'mistreatment of any captive is a criminal offense' and that 'all persons in your hands, whether suspects, civilians, or combat captives, must be protected against violence, insults, curiosity, and reprisals of any kind.'" *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.* at 43.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.* at 189.

<sup>36</sup> See MANUAL FOR COURTS-MARTIAL, UNITED STATES ch. XIII, ¶ 75(c) (1969) (proscribing for the first time extenuating and mitigating rules).

<sup>37</sup> See BELKNAP, *supra* note 1, at 237-54.

<sup>38</sup> A writ employed to bring a person before a court, most frequently to ensure that the party's imprisonment or detention is not illegal. BLACK'S LAW DICTIONARY 715 (8th ed. 2004).

<sup>39</sup> See BELKNAP, *supra* note 1 (detailing Belknap's background).

<sup>40</sup> See generally BELKNAP, *supra* note 1, at 144-67 (discussing the performance of the prosecution and defense).

consequences of 1LT Calley's trial—despite Belknap's legal background—he provides little personal commentary or lengthy analysis on these issues.

Belknap also unduly gibes President Richard M. Nixon on a few occasions. As the book explains, President Nixon, in an effort to quell public outcry over the verdict, involved himself with the case as soon as the decision was announced by ordering 1LT Calley to house arrest while he awaited the results of his appeal.<sup>41</sup> President Nixon further vowed to review the case personally after final action in the case but before carrying out any final sentence.<sup>42</sup> After the court-martial convening authority<sup>43</sup> and the Secretary of Defense ultimately remitted 1LT Calley's life sentence down to ten years,<sup>44</sup> and despite the public objections of the trial and verdict in the first place, President Nixon ultimately decided, "no further action by me in this matter is necessary or appropriate."<sup>45</sup> Belknap jeers, "This is how Nixon fulfilled the promise he had made three years earlier to an outraged and applauding public to personally and finally decide the Calley case."<sup>46</sup> Belknap also brands President Nixon a "hypocrite" after Nixon refused to appoint a presidential commission to investigate the massacre and study war crimes in Vietnam.<sup>47</sup> Nixon felt that defense attorneys would argue that such an inquiry would prejudice 1LT Calley's case; a claim Belknap found duplicitous considering Nixon publicly announced his belief in the guilt of other high-profile defendants.<sup>48</sup>

Belknap's criticism of President Nixon, however, is logically inconsistent. He states, "President Nixon recognized how angry the public was, but his efforts to exploit the powerful emotions unleashed by the court-martial of [1LT] Calley failed because he did not understand the disaffection with the Vietnam War and the resentment of authority that fueled them."<sup>49</sup> Quite the contrary, President Nixon's memoirs note, "I felt that many of the commentators and congressmen who professed outrage about My Lai were not really as interested in the moral questions raised by the Calley case as they were interested in using it to make political attacks against the Vietnam War."<sup>50</sup> Moreover, President Nixon spent three days<sup>51</sup> focusing on the 1LT Calley case and what he should do "as public opinion continue[d] to mount [against the war]."<sup>52</sup> Belknap himself comments, although with another barb at President Nixon, "Grasping the breadth and depth of public hostility to the verdict, [he] shamelessly exploited public reaction against it to advance his own political agenda."<sup>53</sup> It seems apparent that President Nixon was aware of the hostility towards the war and resentment of the political leadership. Belknap's criticism may have found traction on how Nixon responded to the public's perceptions instead of his failure to understand the public's sentiment.

Despite these weaknesses, what can a contemporary reader learn from yet another book about the Vietnam War? Belknap provides the best answer:

The young men and women of [today's] generation asked to bear the burdens of this new war [the Global War on Terrorism] can learn a great deal from the experiences of their predecessors who fought the one in Vietnam that ended three decades ago. Among those lessons are how and why good people do bad things, and who is responsible for crimes committed on the battlefield.<sup>54</sup>

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<sup>41</sup> See *id.* at 198.

<sup>42</sup> See *id.* at 201.

<sup>43</sup> See *id.* at 237.

<sup>44</sup> See *id.* at 245.

<sup>45</sup> *Id.* at 246.

<sup>46</sup> *Id.* at 200.

<sup>47</sup> See *id.* at 136.

<sup>48</sup> See *id.* The other high-profile defendants Belknap references are Charles Manson and Angela Davis. *Id.*

<sup>49</sup> *Id.* at 215.

<sup>50</sup> *Id.* at 135; see also JOHN SACKS, LIEUTENANT CALLEY: HIS OWN STORY 269 (1971) (an "as-told-to" autobiographical account of 1LT Calley).

<sup>51</sup> See BELKNAP, *supra* note 1, at 197-200.

<sup>52</sup> *Id.* at 197.

<sup>53</sup> *Id.* at 4.

<sup>54</sup> *Id.* at 2.

The recent uncovering of the atrocities of prisoner abuse at the Abu Ghraib prison in Iraq, the subsequent trials of the U.S. military offenders, and its political impact on the national political scene, are eerily similar to the publicity circus surrounding 1LT Calley's trial. While the maltreatment at Abu Ghraib<sup>55</sup>—although appalling—pales in comparison to the senseless slaughter of 500 unarmed civilians at My Lai, the political fallout experienced after 1LT Calley's trial is strikingly similar to the commentators and anti-war advocates of today. Today's activists are wringing their hands to blame the entire armed services, President George W. Bush, and his administration, instead of focusing on the few actually involved in the scandal.<sup>56</sup>

Although thirty years separate the events of My Lai and Abu Ghraib, *The Vietnam War on Trial* is clearly applicable to today's military leader and judge advocate. Written before the news of Abu Ghraib made headlines, "[t]he story of My Lai as here retold becomes the story of all the atrocities of war. The lessons learned are as applicable to our war in Korea, and our military actions in Libya, Panama, Kosovo, and against the Taliban regime in Afghanistan."<sup>57</sup>

Other similarities exist between the events preceding My Lai<sup>58</sup> and the events preceding the abuses at the Abu Ghraib prison abuses. For example, a mortar attack wounded then-Army Specialist (SPC) Armin J. Cruz, Jr., on 20 September 2003, shortly after his unit assigned him to Abu Ghraib.<sup>59</sup> For those stationed at Abu Ghraib, "[t]he prison had been under almost daily attacks during the fall, and soldiers and commanders assigned there have described living in constant fear."<sup>60</sup> As for SPC Cruz, "One of his closest friends, Sergeant Travis Friedrich, was one of the two soldiers killed in the attack [among others injured]. Asked by [the military judge] if he wanted to punish the detainees for 'what happened to your friends,' Cruz responded, 'Yes, sir.'"<sup>61</sup>

Specialist Cruz and other Soldiers, forced detainees to crawl naked on the floor and handcuffed them together in sexually humiliating positions following these mortar attacks.<sup>62</sup> "In an attempt to explain his behavior that night," SPC Cruz said that he "did not see the men as three detainees but rather as 'three guys who killed two soldiers, injured me, injured my boss.'"<sup>63</sup> Analogously, the Soldiers in Charlie Company, and 1LT Calley himself, "felt a desire for revenge against every villager, regardless of age or gender. All of them were part of the problem."<sup>64</sup>

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<sup>55</sup> See Transcript of Brigadier General Janis L. Karpinski, *Prison Abuse Scandal, Abu Ghraib*, WASH. POST, May 14, 2004, at <http://www.washingtonpost.com/wp-dyn/articles/A24845-2004May13.html>. Army Reserve BG Karpinski, at the time of the abuse scandal and the interview, served as the Commander, 800th Military Police Brigade responsible for the Abu Ghraib prison. *Id.* According to news sources, several of the prison guards at Abu Ghraib abused Iraqi prisoners by having them pose naked for photos, "pointing at [their] genitals and holding a naked Iraqi detainee on a leash." *Iraq Abuse Photos "Taken For Fun,"* BBC NEWS, Aug. 4, 2004, at <http://news.bbc.co.uk/1/hi/world/americas/3529984.stm> (including a partially masked photograph of the "pointing at the genitals"). Another news source notes that guards put naked prisoners in cages for days at a time. Rajiv Chandrasekaran & Scott Wilson, *Mistreatment of Detainees Went Beyond Guards' Abuse*, WASH. POST, May 11, 2004, at A1, available at <http://www.washingtonpost.com/wp-dyn/articles/A15492-2004May10.html>. The article further notes that the guards used pepper spray on inmates who disobeyed orders; handcuffed inmates to the four corners of a bed; "us[ed] prisoners as their playthings; humiliated them in ways that eventually turned sexual, including simulated sodomy; and other such abuses." *Id.*

<sup>56</sup> See, e.g., Jackson Diehl, *Refusing to Whitewash Abu Ghraib*, WASH. POST, Sept. 13, 2004, at A21, available at <http://www.washingtonpost.com/wp-dyn/articles/A17060-2004Sep12.html>. In addition to noting comments from various congressional officials, the article advocates,

Cynics will not be surprised to learn that senior military commanders and Bush administration officials are on the verge of avoiding any accountability for the scandal of prisoner abuse in Iraq and Afghanistan—despite the enormous damage done by that affair to U.S. standing in Iraq and around the world; despite the well-documented malfeasance and possible criminal wrongdoing by those officials; despite the contrasting prosecution of low-ranking soldiers.

President Bush and Defense Secretary Donald H. Rumsfeld still refuse to acknowledge the established facts of the case, much less respond to them.

*Id.*

<sup>57</sup> BELKNAP, *supra* note 1, at xi.

<sup>58</sup> See *id.* at 57. Belknap describes how the night before the assault on My Lai, Captain Medina, the Charlie Company Commander, gave a "pep talk" following a funeral for Sergeant George Cox killed when he tripped a booby trap on patrol, essentially motivating his company to "destroy the village" of My Lai. *Id.* at 57-58. As Belknap notes, "it was time to settle the score . . . it was a time for revenge." *Id.* at 58.

<sup>59</sup> See Jackie Spinner, *Soldier Pleads Guilty to Prisoner Abuse*, WASH. POST, Sept. 12, 2004, at A24, available at <http://www.washingtonpost.com/wp-dyn/articles/A13311-2004Sep11.html>.

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

<sup>61</sup> *Id.*

<sup>62</sup> See *id.*

<sup>63</sup> *Id.*

<sup>64</sup> See BELKNAP, *supra* note 1, at 56.

What the My Lai massacre revealed about the United States, provides even more poignant evidence of *The Vietnam War on Trial's* applicability today, especially in light of the Abu Ghraib prison scandal. Belknap suggests,

A democratic nation that holds itself and its principles of self-determination and freedom as a light unto the nations of the world was complicit in the [My Lai] slaughter . . . My Lai not only was emblematic of the difficulties American troops faced by intervening in a civil war abroad but also became a focal point for protesters at home.<sup>65</sup>

In much the same way, the prisoner abuse at Abu Ghraib serves as a modern day embarrassment for the United States and its military and has certainly angered many people abroad.<sup>66</sup> To avoid perpetuating this socio-political pattern of military mistrust based on the actions of a few versus the integrity of the majority, all readers can benefit from Belknap's historical perspective on the My Lai massacre and 1LT Calley's trial. By learning from this past tragedy, leaders and judge advocates can hope to avoid the maxim, "Those who cannot remember the past are condemned to repeat it,"<sup>67</sup> and prevent the need for a BG Young-type comment that "only five of us know about this." Instead, the United States will be able to focus its attention on the hard work and professionalism of the thousands of Soldiers who uphold the nation's freedoms every day and personify this country's great principles as a light unto all nations.

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<sup>65</sup> *Id.* at x.

<sup>66</sup> See Ed Finn, *International Media Condemns U.S. Torturers*, SLATE, May 6, 2004, at <http://slate.msn.com/id/2100092>; see, e.g., International Commission of Jurists, African Human Rights and Access to Justice Programme (AHRAJ), Vol. 2, Iss. 5 (May 2004), available at [http://www.icj-kenya.org/ahraj/ahraj\\_2\\_5\\_0504.pdf](http://www.icj-kenya.org/ahraj/ahraj_2_5_0504.pdf).

ICJ members . . . and the African human rights community are deeply concerned by recent reports on the treatment of prisoners at Abu Ghraib in Iraq. The reports of sadistic, wanton, and criminal abuses are obscene and shocking. The international human rights community has registered disapproval of the systematic and illegal abuse of detainees at the Abu Ghraib prison, notorious for state sponsored torture in the Saddam Hussein era. The African human rights community joins the international community in condemning the deliberate dehumanization of prisoners, by American soldiers, which amounts to torture and is contrary to established international human rights treaties.

*Id.*

<sup>67</sup> JOHN BARTLETT, FAMILIAR QUOTATIONS 588 (16th ed. 1992) (quoting U.S. (Spanish-born) philosopher George Santayana (1863-1952), 1 THE LIFE OF REASON (1905)).