

THE COURT-MARTIAL OF WILLIAM CALLEY

A re-creation of Lt. William Calley's trial in 1970,
covering the issues related to the My Lai Massacre

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ISBN 978-1-57336-139-2

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... a relationship to the
Nuremberg War Trials of 1946?

The Vietnam conflict was the longest and most costly war in United States history. Nevertheless, because of its negative outcome and because it has not yet been systematically studied in schools and colleges, many Americans remain relatively ignorant of Southeast Asia, of the military's responsible commanding officers, and of tactics adopted by these officers.

Like any other human undertaking, war is supposed to have limits. Specific rules protect the innocent, guarantee the safety of prisoners, and diminish the destruction. Various conferences, starting with one in 1864 in Geneva, Switzerland, have been held to set boundaries for war. The Hague Convention of 1907 established guidelines for land warfare. Other conferences after World War I further defined the rules of war, particularly in regard to the use of poison gas and treatment of prisoners. The 1946 Nuremberg Trials explored the relationship between a soldier and his superiors, with the result that German soldiers, today, are legally bound to criticize and question any order they think unreasonable or immoral. The United Nations organization, set up in 1946, restricts armed actions to defense only. Unfortunately, these rules have often been ignored.

During the Vietnam War, the U.S. government charged Lt. William Calley with breaking the rules of war. His trial began November 17, 1970, at Fort Benning, Georgia, and lasted several months. This trial is the subject of this re-creation. As your students participate in it they should specifically experience the following:

Knowledge

1. The differences between military and civil law courts
2. Southeast Asian geography and the placement of Vietnam
3. The intense desire of American foreign policy-makers to keep the Vietnam "domino" free from communism
4. The unusual combat tactics used during the Vietnam War
5. Some idea of the American military chain of command
6. The circumstances surrounding the events at My Lai on March 16, 1968

PURPOSE - 2



Your students will practice several speaking skills during this re-creation ...

Attitudes

1. Appreciating the complexity of the question of foreign intervention in war
2. Desiring to understand the responsibilities of direct obedience in war conditions
3. Desiring to differentiate between cultures and how they evolved
4. Realizing that our political and military systems were on trial along with Calley

Skills

1. Speaking clearly and forcefully before a group
2. Utilizing military courtroom procedure
3. Researching, sequencing, and ordering evidence logically

Why study My Lai?

This Calley trial re-creation focuses attention on a subject given too little attention by most secondary school textbooks. Calley and the war in which he fought are often skimmed over so that the crucial issues are not really examined. As time lessens America's sense of guilt over Vietnam, more cries are heard for increased American involvement in foreign affairs, such as in the Middle East. Consequently, issues of our intervention in foreign wars and obedience to orders are once again being brought to public attention.

Academically, this re-creation familiarizes students with military law and justice. Unlike civilian trials, a military court-martial allows for jury questioning of witnesses, since the jurors are military officers and, sometimes, enlisted men. Since about half of your class will be jury members, attorneys, or witnesses, there should be little problem with involvement as they will be part of the dialog. The other half will also be intent listeners as they have to act as news reporters with varying kinds of assignments.

Lt. Calley was charged with four crimes, each involving murder, but the author has chosen to reduce the charges to two. The re-creation is not intended to dwell on the mass murders of the accused. Instead it brings out more pertinent issues such as whether or not obedience to orders of a superior is a military duty, and whether the tactics used in Vietnam, including search-and-destroy missions, were wisely used. It also poses the possibility of Calley being used as a scapegoat since the testimony in the court-martial presents evidence of similar mass executions during the war. Your students should understand that other incidents similar to what occurred at My Lai likely happened during the course of the war but only Calley, to date, has been put on trial for such an incident.

HISTORICAL ACCURACY

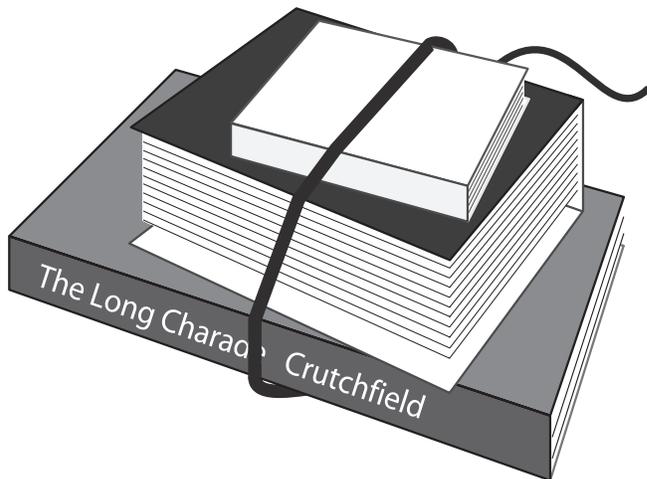
How accurate is this re-creation?

Because of the length and complexity of the Calley court-martial, some steps have been taken to synthesize certain elements so as to facilitate learning.

1. In reality Calley stood trial on four counts:
 - a. premeditated murder of 30 or more people;
 - b. murder of more than 70 people at an irrigation ditch;
 - c. murder of one male, possibly a monk; and
 - d. murder of a two-year-old child.All charges involve shooting the people with a rifle. The author has chosen in this re-creation to try Calley on only counts b and d.
2. Some witnesses in this re-creation court-martial are composites of several actual witnesses. Each of these witnesses' testimony synthesizes several persons' fundamental testimony.
3. All identities are factual and their testimony quoted in the Court Procedure is often verbatim from the actual transcript. Whether students adhere to this information strictly or merely use it as a reference depends on your desire and the students' preparation. *In order to keep witnesses from boring one another, however, do not allow students to read the statements provided while they present their case. Instead, have them rewrite the statements in their own words or verbalize them from an outline.*
4. All sources listed in the bibliography were helpful in the writing of this re-creation, but the books written by Seymour Hersh and Richard Hammer were used extensively.
5. In the court-martial at Fort Benning, Lt. Calley actually testified before Captain Medina. The directions call for Calley to testify last to heighten drama.

BIBLIOGRAPHY

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- Kalb, Marvin, *Roots of Involvement: The U.S. In Asia*, New York, Morrow, 1967.
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Consider contacting your friendly school librarian in order to have a RESERVE SHELF: THE COURT-MARTIAL OF WILLIAM CALLEY set up where your students can access books and magazines such as listed above prior to the trial's beginning.

SETUP DIRECTIONS - 1



Who you select for key roles is particularly important if this is the first Interact re-creation you have done. Although before the school year ends you want all students to play challenging roles—if they can be helped to meet the challenges—the first time you do a re-creation you need to ensure that the class feels that the participatory experience was a success!

1. How you *select* who will play which role is very important to the outcome of the re-creation. Make sure you pick your most highly motivated students to be Calley, Medina, and the attorneys.
2. Either select a strong student to be the judge or play the role yourself. This individual must be strong enough to insure that the trial is not bogged down by petty arguments. If you pick a student as judge, then act as a civilian legal adviser for the court.
3. You need three government attorneys and three defense attorneys. The government witnesses are Paul Meadlo, Hugh Thompson, and Ron Haeberle. The defense witnesses include Charles West, Capt. Ernest Medina, and the defendant, Lt. William Calley. Each attorney should question one of his/her own witnesses and be prepared to cross-examine an opposition witness. Although a team effort is required for producing opening and closing statements, one student on each team should deliver each.
4. The bailiff assists the court by swearing in witnesses and keeping order. If any person disrupts the proceedings, the bailiff should bring that person to order immediately. If the judge orders an individual removed from the courtroom, it is up to the bailiff to do so.
5. Select one or more of your students as court reporters. Since at any time during the trial they may be asked to play back a portion of testimony or other proceeding for the benefit of the court, either side, or the jury, provide them with a tape recorder that has an accurate counter. They then should keep a log of witnesses' testimony by tape length numbers.
6. Select five to seven members of the class to be jury members. They should take notes on each witness' testimony. **Remember:** *Each juror may question a witness at any time.* After the verdict, jury members will be questioned as to why they voted innocent or guilty. Tell them they are all Army officers and should act accordingly.
7. Tell the rest of the class they will attend the trial as newspaper reporters. Have them follow the directions in the Student Guide.
8. Encourage all students to supplement the information you give them by doing more research on their own. Consider basing grades on a combination of preparation, role-playing, and testing, whatever is appropriate.

SETUP DIRECTIONS - 2

Note: You will not need to duplicate the bulleted items the first time you use this re-creation, for *Interact* has given you different colored handouts for those students playing roles. If you choose to give the *STUDENT SURVEY* and/or the *UNIT TEST*—optional activities—you will have to duplicate them. All other necessary items are in the *Student Guide*.

9. See note at left the first time you use this re-creation—or if you are using this trial with more than one class. For subsequent classes, duplicate the number in parentheses, using the masters in this Teacher Guide.

Government package

- LEGAL PLAN FOR GOVERNMENT (three: one for each prosecutor—four pages, back to back)
- GOVERNMENT WITNESS: Hugh Thompson (four: one for Thompson, three for prosecutors—one page)
- GOVERNMENT WITNESS: Ron Haeberle (four: one for Haeberle, three for prosecutors—one page)
- GOVERNMENT WITNESS: Paul Meadlo (four: one for Meadlo, three for prosecutors—one page)

Defense package

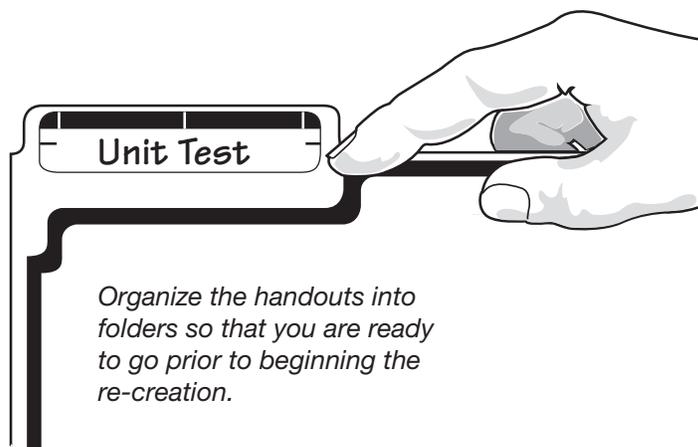
- LEGAL PLAN FOR DEFENSE (three: one for each defense attorney—six pages, back to back)
- DEFENSE WITNESS: Charles West (four: one for West, three for defense attorneys—one page)
- DEFENSE WITNESS: Captain Ernest Medina (four: one for Medina, three for defense attorneys—one page)
- DEFENSE WITNESS: Lt. William Calley (four: one for Calley, three for defense attorneys—two pages, back to back)

Other

- JUDGE COL. REID KENNEDY (one: one page)
- BAILIFF (one: one page)
- COURT REPORTERS (one-two: one page)
- JURY MEMBERS (seven: one page)

Optional

- * STUDENT SURVEY (class set: one page)
- * UNIT TEST (class set: one page)



Organize the handouts into folders so that you are ready to go prior to beginning the re-creation.

TEACHING SUGGESTIONS - 1

Day 1: Introduction

1. Three to four days prior to actually beginning the re-creation, briefly explain to students why they are going to study this trial. Then pass out the Student Guides and have students read the Overview, Purpose, and Brief Summary of Major Roles.
2. Explain how you have assigned a few roles to certain students. Possibly allow volunteers to fill other roles, or encourage classmates to recommend persons for certain remaining roles.
3. Give key roles their separate handouts.
4. Have everyone read the Background Essay.
5. Cover with your students the Discussion Questions on page 4 in the Student Guide. *Option 1:* You lead a general discussion. *Option 2:* Divide your students into activity groups of about four students each. Make each activity group collectively write the answers to the 18 Discussion Questions on one sheet of paper for the whole group. *Each group member's handwriting must appear on an equal number of answers.*



Present some background information on the Vietnam War by using a lecture, a guest speaker, a video, some readings in students' textbooks.

Days 2-3: Background and preparation

1. Motivate the trial by using one or more of the following: a) audio-visual materials on the mid-1960s through the early 1970s; b) a guest speaker; c) a lecture; d) the STUDENT SURVEY.
2. Be sure you give both sides' attorneys sufficient time to meet with their witnesses and to plan their opening and closing statements.
3. Build a classroom atmosphere that reflects the signs of the times. Have students suggest quotes that are applicable.

For example, **"My country right or wrong"** ... **"Get our boys out"** ... etc. Try to capture the ideals of the opposing factions in the early 1970s. Explain to students what the counterculture and the silent majority stood for.

"Send the draft
card burners to
Vietnam tomorrow!"