Case Study: An Illegal Military Order in The Vietnam War, 1968

Investigation of Court Martials or Actions Against Military Officers:

Essential Question: ***When should an officer or soldier not follow an order from a superior officer or the President of the United States?***

Teachers may want to divide their students into three or four groups to investigate military trials, the military codes of ethics and justice, and relevant examples of the constitutional principle of a civilian Commander in Chief.

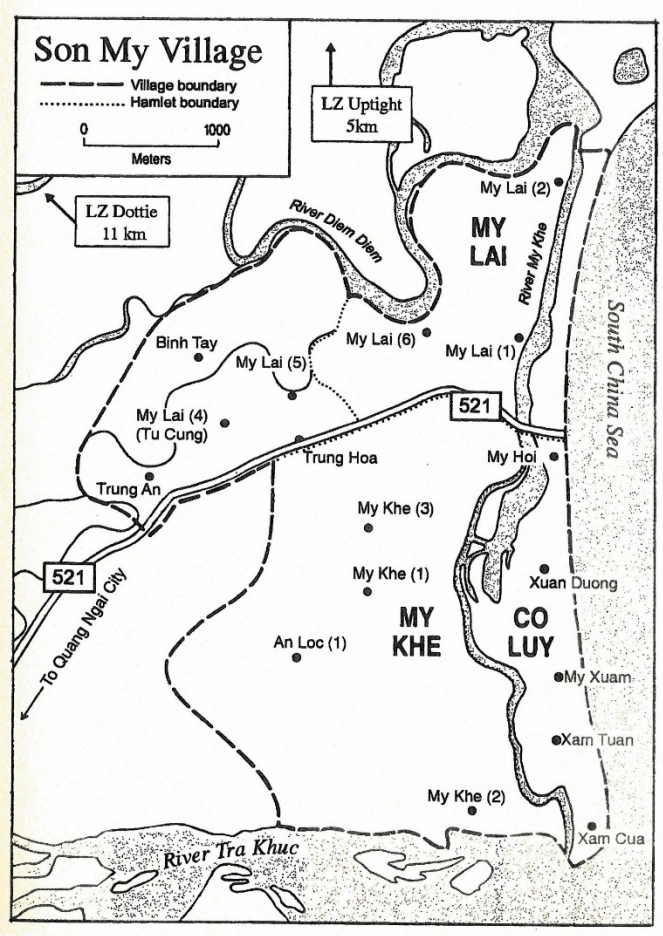
Many students are aware of the court martial of **General Charles Lee** in Brunswick, New Jersey in 1778. Lee's court martial was the result of not following the orders of General George Washington at the Battle of Monmouth. Lee's retreat gave the British an opportunity to surround the Continental Army. General Washington learned of Lee's retreat and came to the scene to reprimand General Lee and take control of his troops. There are other factors regarding language and letters that also caused General Washington to have General Charles Lee arrested. It is important to follow orders, avoid criticism of military decisions, and to use appropriate language.

Students may also be familiar with the dismissal of **General Douglas MacArthur** in 1951 by President Harry Truman. Although General MacArthur did not have a trial and did not issue an illegal military order, he did voice public disagreement with President Truman, his Commander in Chief about China and was dismissed for insubordination or not following orders for a ceasefire by ordering his troops into North Korea.

The My Lai massacre in the Vietnam War provides a third example for students to investigate before discussing or debating the current situation of a possible war crime regarding an incident in the Caribbean Sea on September 2, 2025 regarding a second missile strike on two survivors suspected of transporting illegal drugs into the United States from Venezuela.

Lt. William Calley and his men entered My Lai on March 16, 1968 without receiving any resistance and no evidence of the Viet Cong. The Viet Cong were fighting a guerrilla style war of resistance against South Vietnam. The United States engaged in an undeclared war to support the democratic government of South Vietnam and in 1968 we had over 549,500 troops in South Vietnam. This was the most difficult year for the United States regarding the costs of the war with 16,000 soldiers killed and the financial costs exceeding $77 billion or about $700 billion in current dollars.

There were examples of the Viet Cong using civilians, including children, women, and the elderly to attack and kill American soldiers. In addition, there were tunnels, land mines, and booby traps in these villages and along the roads and rivers in South Vietnam. The soldiers found the villagers in their homes eating breakfast and beginning their daily chores.



Lt. Calley ordered his troops to move between 30 and 40 villagers to an open area and put Private First Class, Paul Meadlo, in charge. When Lt. Calley returned to the area, he asked Lt. why he had not "taken care of" the civilians. Meadlo replied, *"We are. We are watching them."* Lt. Calley responded, *"No, I mean kill them." Lt.* Calley and Meadlo opened fire on the unarmed villagers killing the entire group. Before the end of the day, at least 300 civilians were shot by some soldiers in Company C, Lt. Calley's platoon. Women and children were raped and abused.

According to Calley, when his supervisor, Captain Ernest Medina, learned that a large group of Vietnamese civilians was responsible for the platoon's slow movement, he told him to *"get rid of them."* Lt. Calley stated at his trial that Captain Medina's directive was the impetus for the slaughter of most of the villagers at My Lai. Captain Medina denied giving Lt. Calley any order to harm civilians.

While the massacre was occurring, an observation helicopter piloted by Hugh C. Thompson was flying over the area of My Lai looking for enemy forces. Thompson and his crew saw that people had been killed and a large part of the village was on fire.

Thompson landed his helicopter and ordered Larry Colburn, to fire on the Americans if they refused his direction to stop the killing of the civilians who were still unharmed. Thompson and his crew evacuated some civilians and returned to their base.

Thompson reported the incident to Major Fredric Watke who claimed to have passed on Thompson's report to Lieutenant Colonel Frank A. Barker, Calley's battalion commander. However, at the trial, the investigation reported that Major Watke did not report the war crime to anyone or investigate it.

Thompson also reported the incident to Chaplain (Captain) Carl E. Creswell. Although Captain Creswell reported the incident to his superior, Lt. Colonel Francis Lewis, it was never reported to anyone else. Although Major General Samuel Koster, the Americal Division commander, and Colonel Oran Henderson, the 11th Infantry Brigade commander, received reports that more than 125 civilians had been killed at My Lai, they failed to properly investigate the event. On 24 April 1968, Colonel Henderson falsely reported to Major General Koster that "no civilians were gathered together and shot by US soldiers" and that the claim of a massacre at My Lai was "obviously a Viet Cong propaganda move to discredit the United States in the eyes of the Vietnamese people."

The incident remained hidden until April 1969 (a year later), when an ex-soldier, Ronald L. Ridenhour, wrote letters to the White House, the State Department, the Defense Department, and twenty-three congressmen, describing the murders. Ridenhour was not at My Lai but learned about it from other soldiers. When General William C. Westmoreland, Army Chief of Staff, read the letter from Ronald Ridenhour's letter, he ordered an investigation.

The investigation resulted in charges of "war crimes and crimes against humanity" for 13 officers and enlisted men who had been present at My Lai and against the 12 officers who participated in the cover-up or failure to report what they knew. Most charges were dismissed

The Army court-martialed Lt. William Calley, Captain Ernest Medina, and Colonel Oran Henderson. The court-martial of Lt. Calley began on November 17, 1970 and the verdict was announced on March 29, 1971. Lt. William Calley was convicted of the premeditated murder of 22 infants, children, women, and old men, and assault with intent to murder a child of about two years. Lt. Calley was sentenced to be dismissed from the Army and confined to hard labor for life. He died in 2006.

United States' law rejects the principle of following illegal orders from a superior as a defense under a precedent established in the court martial verdict of Lt. William Calley. The rules are enshrined under the Uniform Code of Military Justice, the legal system governing the US armed forces. The United States government has established high standards for a professional army that is trained to protect the lives of civilians and people who survive an attack.

Discussion, Debate, Decision:

1. What circumstances might justify the second attack on the two civilians holding on to their boat that was attacked by the United states on September 2, 2025?
2. If the Secretary of the Department of Defense/War gave an order to Admiral Frank "Mitch" Bradley, Special Operations commander overseeing the military operations in the Caribbean Sea from Fort Bragg, North Carolina, to attack the two survivors what should he do?

3. Should the United States sign the Rome Statute (2002) establishing the International Criminal Court? What are the implications for our military, President, and citizens? Currently, 125 countries have signed or ratified the Rome Statute but China, India, Indonesia, and Russia have not ratified the Rome Statue.

4. How can the Department of Defense/War and the U.S. government prevent the cover up of war crimes or crimes against humanity?

Sources:

Gilder Lehrman

PBS

U.S. Army Code of Ethics (2014)

Uniform Code of Military Justice

Basic Rules of the Geneva Conventions

Truman Library

International Criminal Court