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DOING THE RIGHT THING

Posted by: Dale Franks on Thursday, May 29, 2008

I'm saddened to watch the progress of the legal case against some members of 3rd Battalion/1st Marines (The Third Herd; The Thundering Third).

There's a significant amount of background to this, so you might want to check out [this article](#) from Defend Our Marines, and this [blog post](#) from Blackfive, by Uncle Jimbo.

Sgt Jose Nazario, Sgt Jermaine



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Nelson, Sgt Ryan Weemer, LCpl Juan Segura, LCpl Corey Carlisle, and LCpl James Prentice were all members of 3rd Squad, 3rd Platoon, Kilo Company, of the 3/1. On 9 Nov 2004, they were engaged in house-to-house combat in Fallujah.

During this action, LCpl Segura was stuck and killed by a sniper round that went between the SAPI plates in his body armor, and he died in the arms of his best friend, Sgt (then LCpl) Weemer.

The Marines then entered the house from which the sniper fire had come. There is, at this point, much dispute about what exactly happened. What is not in dispute is that there were at least four insurgents in the house who attempted to surrender. All of the insurgents were killed.

Now, for those marines, such as Nazario, who are now civilians, they face trials in Federal District Court, under a law passed in 2,000 that gives the Federal Courts jurisdiction for crimes committed by former military members who are no longer subject to the UCMJ. The others ace courts-martial for their roles in the affair.

The killings came to light when Sgt Weemer was being given a polygraph examination as part of the hiring process as a uniformed Secret Service security officer at the White House. when asked if he had ever witnessed any unlawful killings in Fallujah, he answered, "yes", thus beginning the investigation.

The prosecution alleges that Nazario, Weemer and Nelson shot the insurgents.

Sgt Nelson has already given two taped confessions over the incident,

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and is now under orders to testify against Sgt Nazario before a Federal Grand Jury under a grant of immunity. So far, he has refused to do so, and faces contempt charges, in addition to the charges arising from the killings.

Reading over the entry from Blackfive, one gets the impression that Uncle Jimbo believes that this is all a tempest in a teapot, and these marines are being unfairly prosecuted.

I can't agree. In fact, back in 2004, I [addressed](#) a very similar issue, with another marine shooting during that action. Fortunately, that marine was later acquitted of wrongdoing. But, as I said at the time:

We ask an extraordinary amount of 18- and 19-year old kids. We tell them to go over to some place, and start killing as many people as they can, but only to kill the people with guns, and to stop killing them when the enemy stops resisting. We make them yell things like "Ambush is murder and murder is fun!" and then we send them out to *do* it, with the expectation that they will stop doing it in an instant when it's no longer strictly necessary. It's very hard for them to do it with the kind of machinelike precision we demand of them; for a few of them, in the rush of adrenaline, and fear, and happiness just to be alive, and bone-aching fatigue, it's just not possible.

And the hell of it is, the sheer bloody truth of it for the military commander, is that they all *know* it, and they all know that someone will occasionally go too far. And that person will have to become an example, *pour encourager les autres*, about the danger of losing control, of letting discipline go for just an instant. It will be necessary because if you let that kind of barbarity take root, it will destroy the ability to control the troops in battle, and such incidents will become commonplace.

We expect men to fight for their lives, and the lives of their fire team and squad, and to butcher the enemy with demonic fury, and then we expect them to just...stop. No, more than that, we expect them to not only stop, but to treat the enemy humanely, to treat their wounded, and to render appropriate courtesy to their officers and NCOs.

And it can't be any other way. If the men are allowed to slip loose from *all* moral bounds, there's no end to the depravity they will engage in. They are already in fear of their lives, low on sleep and food, with adrenaline singing through them. And history shows us that any group of people in that frame of mind, if loosed from all moral bonds, will do the most horrific things imaginable. What prevents us from, as someone so famously put it, pillaging in the manner of Genghis Khan, is not that our soldiers are more moral, or are better person than the Mongols. It is that the Great Khan's warriors were *allowed* to pillage, and ours are not.

It's such a thin line, and in the heat of action, it can be so hard to see. But we can't pretend that line isn't there, or that those who cross it somehow deserve a free pass, no matter how much we'd like to give them one.

It's all so sad, and so tragic, that it tears at my heart. But the principles of good order and discipline make it necessary. Even more importantly, the demands of justice require it.

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