

Charges dropped against third Marine in Haditha massacre case

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31 March 2008

The Marine Corps on Friday dismissed all charges against Lance Cpl. Stephen B. Tatum in connection with the massacre of civilians in Haditha, Iraq. This is the third exoneration of an enlisted Marine linked to the November 2005 killings.

Charges against two other enlisted Marines were previously dropped. The only charges remaining are against Staff Sgt. Frank D. Wuterich, who faces court martial on nine counts of voluntary manslaughter later this year.

Tatum had been charged with involuntary manslaughter in the deaths of two unarmed children in Haditha. He was also facing charges of reckless endangerment and aggravated assault. If convicted, he could have faced 18 years in prison.

The charges against him were dismissed only hours before he was to go to trial. In exchange for the dropping of charges he has agreed to testify at Wuterich's trial, although his lawyers say there has been no agreement with prosecutors on what he will say.

The dismissal of charges against Tatum is but the latest in a string of decisions in the Haditha case which has served to exonerate the military at all levels and justify its actions in the November 19, 2005 atrocity.

No soldier involved in the killings of two dozen unarmed Iraqi men, women and children will face murder charges. None of the commanding officers will face criminal charges in connection with the massacre.

Lt. Col. Paul Ware, the military investigator overseeing Lance Cpl. Tatum's pre-trial hearing, recommended last August that all charges against him be dropped. He argued that Tatum shot at the children because Staff Sgt. Wuterich had started firing. Ware wrote at the time that Tatum had killed the civilians, but "the reason he did so was because of his training

and the circumstances he was placed in, not to exact revenge and commit murder."

Lt. Gen. James T. Mattis went against Ware's recommendation and sent Tatum's case to trial. The dismissal was then approved by Lt. Gen. Samuel Helland, who took over command of I Marine Expeditionary Forces after Mattis was promoted.

To justify the dropping of charges, Lt. Col. Ware wrote, "I believe Tatum's real life experience and training on how to clear a room took over and his body instinctively began firing while his head tried to grasp at what and why he was firing. By the time he could recognize that he was shooting at children, his body had already acted."

In other words, Tatum could not be held accountable because he was following orders and the military rules of engagement. Indeed, the US military's operations proceed on the basis that the slaughter of innocent civilians—"collateral damage"—is an unfortunate but necessary cost of the war and occupation of Iraq. Tatum also participated in the brutal siege of Fallujah in late 2004 by US forces, which claimed the lives of thousands of civilians.

Mark Zaid, one of Tatum's civilian attorneys, argued that it was the prosecution of the soldiers involved in the massacre that was in fact an injustice. "I don't know if we're ever going to see or truly know exactly what happened, but I can say that there's an argument to be made that the prosecution of these young Marines has caused more damage to our country's reputation than the event itself."

The Haditha massacre occurred when a squad of infantrymen from the Third Battalion, First Marines (from Camp Pendleton, California) went on a rampage after a roadside bomb exploded near their convoy, killing a Marine. Wuterich ordered five men out of a

nearby taxi who were subsequently gunned down and killed.

Staff Sgt. Wuterich lied to a military investigator following the incident, saying that the squad had come under insurgent gunfire following the roadside bombing. He claimed that the five men ordered out the taxi fired on the Marines, and were then gunned down by Iraqi Army soldiers.

Throughout the pre-trial hearings, Wuterich also consistently stated that the Marines came under fire from the civilian houses. “Engaging was the only choice,” he insisted. “The threat had to be neutralized.”

Stephen Tatum asserted in a preliminary hearing that the lighting was poor inside the houses and he saw only shapes. He claimed that he started firing after hearing what he recognized as the racking of AK-47 assault rifles.

All subsequent investigations, however, have shown that the killings were unprovoked and the civilians did not have weapons. Over a period of several hours, the Marines assaulted four Iraqi homes, killing another 19 people. Wuterich led the assault on two houses where most of the civilians were killed.

Investigations conducted by the US government, numerous media outlets and human rights organizations have determined that none of the victims were armed and that many were shot at close range. Some most likely were executed while trying to surrender. Some of the slain women and children were dressed in their pajamas and lying in bed.

A cover-up was initiated by the military immediately following the atrocity. The Marine Corps reported that 15 of the victims had been killed in a roadside bomb explosion, and that another eight had been killed after engaging in a firefight with the squad.

The Marine chain of command destroyed evidence, including photographs taken following the massacre that were inconsistent with this falsified versions of events. Three officers were given administrative letters of censure for destroying evidence and failing to investigate.

A court-martial of Lt. Col. Jeffrey Chessani, the officer in charge of the Third Battalion, is scheduled to begin in late April. He is charged with dereliction of duty of failing to properly investigate the Haditha killings.

Frank Wuterich’s trial was originally ordered to

begin March 4, but has been delayed due to evidentiary hearings. A date for a new trial has not been set.



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