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THESIS

**WHAT WERE THE MAJOR DRIVERS OF WAR CRIMES
IN THE MY LAI MASSACRE, THE HIGHWAY OF DEATH,
AND THE EDDIE GALLAGHER INCIDENT?**

by

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December 2023

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IN THE MY LAI MASSACRE, THE HIGHWAY OF DEATH,
AND THE EDDIE GALLAGHER INCIDENT?**

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ABSTRACT

This thesis undertakes a rigorous exploration of the institutional causes of war crimes within the U.S. military, utilizing pivotal incidents—the My Lai Massacre, the Highway of Death, and the Eddie Gallagher incident—as case studies. These events, spanning several decades, serve as a lens to scrutinize the systemic factors and prevailing mentalities that have, at times, led U.S. forces to engage in behaviors that breach ethical and moral standards. The My Lai Massacre during the Vietnam War reveals layers of command failures, breakdowns in training, and the harsh realities of counter-insurgency warfare. The Highway of Death draws attention to the complexities of modern conflict, where the delineation between legal and ethical can often become obfuscated. Lastly, the Eddie Gallagher incident brings to the fore the pressing challenges the U.S. military faces in the realms of special operations. Central to this exploration is the recognition that, in many cases, the prevailing military culture and training paradigms might not adequately prepare troops for the moral quandaries of the battlefield. The ultimate goal is to foster a military environment where legality and morality coexist, and where the U.S. forces are better equipped, both mentally and ethically, for the complexities of contemporary warfare.

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I. INTRODUCTION

In a concerted effort to comprehend and potentially curb the perpetration of war crimes, a meticulous dissection of past conflicts remains pivotal. Various historical confrontations have been punctuated by instances of unrestrained violence and atrocities, with episodes such as the My Lai Massacre and the Highway of Death standing as grim testimonies to the depths of human cruelty during wartime. These distressing occurrences beckon a deeper exploration and understanding, not merely as isolated events, but as critical case studies that hold the keys to preventing such tragedies in the future. Embarking on this scholarly journey necessitates a careful and comprehensive examination of the factors that may precipitated such acts of violence, which transcends borders and epochs, encompassing events as recent as the Iraq War and the actions of individuals like Eddie Gallagher. Through a careful analysis of varying perspectives that delve into systemic violence, the intricacies of political decision-making, and the pervasive influences of military training and culture, this research aims to scrutinize the underlying mechanisms that potentially foster environments conducive to war crimes. By examining a nuanced understanding of these root causes, I aspire to contribute towards the creation of a world where military engagements, if unavoidable, strictly adhere to the principles of humanity, justice, and respect for human life, thus averting the repeat of dark chapters that have marred human history.

A. BACKGROUND

While much has been written on the horrific events that have taken place throughout the history of war, little academic work addresses the need for new or improved ethics training within the American military. Such training might have prevented some of the atrocities during conflicts in which the United States was involved. The lack of scholarship on this subject is especially surprising given the volume of soldiers' first-hand accounts of environments conducive to war crimes, which illuminates the paucity of morality training

for warfare.¹ My thesis seeks to explore the extent to which the morality and ethics training of today's military conceivably could have prevented, and what changes could benefit this training in the long term.

The question of what the major drivers of war crimes were in the My Lai Massacre, the Highway of Death, and the Eddie Gallagher Incident is highly significant in terms of both its policy relevance and its contribution to academic debates regarding the direction that current military ethics training should take within both the service academies and basic training. The Vietnam War, due to the highly published nature of the conflict, exposed numerous ethical failures of the U.S. military to the public, and one of the most famous was the My Lai Massacre.² While these atrocities, which were being committed on both sides during the war, were not new to warfare, this event was one of the first times that the general public saw, through media coverage, the horrors of war, leading to their demand for an end to the senseless nature of some of these events.³ Understanding how these failures led to the My Lai Massacre, organizationally, is crucial for analyzing the impact of bad orders combined with institutional dehumanization of the enemy, military behavior and decision-making, as well as for informing policy. The My Lai Massacre also helps to understand the continued issues that the military faced into the Iraq War, and how the similarities between these two conflicts allowed for similar incidents of unethical behavior.

B. RESEARCH QUESTION

This thesis seeks to unravel the complex underpinnings of wartime transgressions by addressing the central research question: what the major drivers of war crimes were in the My Lai Massacre, the Highway of Death, and the Eddie Gallagher Incident. In order to offer a comprehensive analysis, this study will delve deeper to explore secondary questions

¹ Deborah Nelson, *The War Behind Me: Vietnam Veterans Confront the Truth about U.S. War Crimes* (New York, UNITED STATES: Basic Books, 2008), <http://ebookcentral.proquest.com/lib/ebook-nps/detail.action?docID=903996>; Nick Turse, *Kill Anything That Moves* (Minneapolis, MN: Highbridge Co., 2013); Michael Sallah and Mitch Weiss, *Tiger Force: A True Story of Men and War* (New York, NY: Little, Brown and Co, 2007).

² David L. Anderson, ed., *Facing My Lai: Moving beyond the Massacre*, Modern War Studies (Lawrence, Kan: University Press of Kansas, 1998).

³ Philip G. Zimbardo, *The Lucifer Effect: Understanding How Good People Turn Evil*, 2008 Random House trade pbk. ed (New York: Random House Trade Paperbacks, 2008).

that are crucial in understanding the breadth and depth of these issues. These include querying how the quality of training and preparation influenced the actions of individuals involved in these incidents and identifying the gaps in current training that potentially facilitated the occurrence of such crimes. Moreover, the study seeks to analyze in what ways policy alterations and training overhauls can address and prevent the perpetration of war crimes in future military engagements. Through the exploration of these questions, this research aims to pave the way for informed solutions and preventative measures against future occurrences of such ethical lapses in the military arena.

C. SIGNIFICANCE

The research question has broader implications for understanding the relationship between military culture and ethical behavior, and ways in which military culture can be influenced. Through looking at key outcomes of the case studies, it may be possible to assess the ways in which military institutions respond to ethical crises and the factors that contribute to the development of an ethical culture within the armed forces. The ability for militaries to build a moralistic culture is of critical importance for preventing future ethical failures and ensuring that the military upholds its duty to protect human rights, which is important for America to maintain its moral high ground in armed conflict.

This research question also has significant implications to the ongoing contentious debate about the effectiveness of ethics training in shaping military behavior and decision-making on an individual level. This research aims to provide valuable empirical evidence to help scholars evaluate the impact of such programs on military behavior down to a unit level, which can sometimes vary from the overall culture of a military force. Additionally, the research question addresses the broader issue of civil-military relations and the role of ethics in shaping military culture. It explores the complex interplay between political decision-making, public opinion, and military institutions in responding to ethical crises. This research can potentially provide insights into the ways in which military organizations adapt to societal pressures and the impact of such adaptation on military culture and behavior.

Furthermore, this research contributes to the literature on the ethics of war and the laws of armed conflict. By examining the two case studies, the thesis can be used to help explain the ways in which ethical principles are integrated into military strategy and tactics. With more international cooperation and multilateral actions taking place than ever before, it is important for America to understand how it can promote the ethical values it wishes to develop both in its own military and other nations' militaries. This research can inform future debates about the ethical conduct of war and the responsibility of military actors to protect human rights in conflict situations.

In sum, the major research question which will be studied is significant in both American policy and academic contexts. The question is relevant to the development of ethics training programs within the military, as well as to broader debates about the role of ethics in shaping military culture and behavior. This research can expand our understanding of contentious academic subjects such as the relationship between military institutions and ethical conduct. By conducting research and examining ethic and morality failures through the use of various case studies, this research will contribute valuable insights that can inform future policy and scholarship on the ethics of war and the role of military actors in upholding human rights.

D. RESEARCH DESIGN

The research design will be to utilize two case studies to better understand the underlying causes of these events. I will explore these two distinct cases of wartime atrocities to see if there are common themes beyond just individual responsibilities and choices, and to what extent military organizations were affected by these horrific deeds. By understanding the root causes, I hope to provide policy recommendations or prescriptions for how the military can weed out “bad apples” and build structures to deal with those “apples” that did not get weeded out.

The first case study under examination is the My Lai Massacre, which took place during the Vietnam War on March 16, 1968. This atrocity involved American soldiers indiscriminately killing unarmed Vietnamese civilians, including women, children, and

elderly people.⁴ The objective of this case study is to unravel the organizational factors that facilitated the massacre. It will involve an in-depth examination of the chain of command, orders given and received, and the prevailing military culture and training at that time.⁵ The analysis will focus on whether the soldiers involved were adequately trained in ethical and moral decision-making and how this training or lack thereof may have influenced their actions. By understanding these elements, the study aims to determine if modern ethics and morality training could have potentially mitigated or prevented this tragedy.

The second case study involves Eddie Gallagher, a former U.S. Navy SEAL, who was accused of several war crimes, including the desecration of bodies, while deployed in Iraq and Afghanistan. This case presents a unique opportunity to explore how individual actions within a unit can reflect broader organizational issues.⁶ The analysis will delve into the training Gallagher received, the culture within his unit, the leadership which were in charge of Gallagher, and the systems in place for accountability and reporting of unethical behavior.⁷ The goal of this case study is to discern whether more robust or targeted ethics and morality training could have influenced Gallagher's actions or the responses of those around him. The focus will be on understanding whether these actions were anomalies or whether they indicate systemic issues within the military that require more comprehensive ethical and moral training.

E. LITERATURE REVIEW

The following review of literature is broken into two sections: the My Lai Massacre and the Eddie Gallagher incident. As such, this thesis will be relying on sources that

⁴ Anderson, *Facing My Lai*.

⁵ Ron Ridenhour, "PERSPECTIVE ON MY LAI: 'It Was a Nazi Kind of Thing': America Still Has Not Come to Terms with the Implications of This Slaughter of Unarmed and Unresisting Civilians during the Vietnam War.," Los Angeles Times, March 16, 1993, <https://www.latimes.com/archives/la-xpm-1993-03-16-me-363-story.html>.

⁶ David Philipps, *Alpha: Eddie Gallagher and the War for the Soul of the Navy Seals*, First edition (New York: Crown, 2021).

⁷ Navy Times Staff, "What Motivated Fellow SEALs to Dime out Eddie Gallagher?," Navy Times, April 23, 2019, <https://www.navytimes.com/news/your-navy/2019/04/22/what-motivated-fellow-seals-to-dime-out-eddie-gallagher/>.

provide different perspectives on the topic, examining various drivers of excessive violence within the American military during the My Lai Massacre. This first section compares and contrasts the explanations for war crimes that were committed by American forces during the massacre presented in these sources, aiming to uncover the multifaceted nature of the issue, as well as firmly establish the root causes of this incident. This investigation utilizes a balanced approach, scrutinizing both the Vietnam War and the conflict in the Middle East to garner a comprehensive understanding of the factors that might contribute to such extreme breaches of moral conduct within the military. The subsequent section of this literature review will then delve into the intricacies surrounding the Eddie Gallagher incident, a modern representation of the enduring challenges posed by war crimes and ethical violations within the military ranks. This portion aims to dissect the intricacies of Gallagher's actions, paralleling the insights derived from the My Lai analysis, and further exploring the systemic issues that potentially foster an environment conducive to such atrocities.

1. The My Lai Massacre

The Vietnam War is one of the most controversial conflicts in modern history, with many lingering questions about the violence perpetrated by American forces during the war. The literature offers three main reasons why war crimes and unbridled violence were so commonplace in the war, and how war crimes can to a head in the My Lai Massacre: systematic violence and indiscriminate killing, political decision-making and the escalation of violence, and finally the role of military training and culture. It is important to understand the many factors that led to the quagmire of poor decisions in Vietnam and during the My Lai Massacre. While it can be argued which of these explanations was the most important factor, it is clear that no one decision led to My Lai or atrocities like it. My Lai is only one piece of a large puzzle, but it is a corner piece that cannot be ignored.

One of the primary themes explored in the literature on Vietnam is the systematic nature of excessive violence perpetrated by American forces in Vietnam.⁸ Some scholars

⁸ Dave Grossman, *On Killing: The Psychological Cost of Learning to Kill in War and Society*, Rev. ed (New York: Little, Brown and Co, 2009); Nelson, *The War Behind Me*; Turse, *Kill Anything That Moves*.

have argued that the war was not merely a series of isolated incidents but rather a pattern of indiscriminate killing, fueled by the U.S. military's emphasis on body counts as a measure of success, thus creating a system that rewarded violence without any meaningful military gain.⁹ By contrast, others have viewed Vietnam through the psychological and physiological factors that drive soldiers to kill in combat, providing a perspective that explains the emotionally driven nature of excessive violence that was committed in Vietnam.¹⁰ However, what both of these positions highlight is the dehumanization of the enemy, which contributed to the indiscriminate killing of Vietnamese civilians.¹¹ Two notable authors who have taken this position, Nick Turse and Dave Grossman, draw different inferences from the results of this dehumanization. While Turse focuses on the institutional and strategic factors that encouraged this behavior, Grossman delves into the psychological mechanisms that allowed soldiers to overcome their natural aversion to killing.¹² This combination of factors created a climate in which excessive violence became normalized, leading to the widespread brutality documented by both authors.

Another group of sources explores the role of political decision-making in escalating violence during the Vietnam War.¹³ By examining the roles of key policymakers, such as President Kennedy, President Johnson, and Secretary of Defense McNamara, some scholars seek to demonstrate how these figures pushed the United States deeper into the conflict by allocating more troops and materiel to Vietnam, ultimately paving the way for the atrocities committed by American forces.¹⁴ This theme of unethical decisions being made by high-ranking officials in the United States government is echoed by other authors, who in combination with elite actors actions, present the ways in which

⁹ Turse, *Kill Anything That Moves*.

¹⁰ Grossman, *On Killing*.

¹¹ Turse, *Kill Anything That Moves*; Grossman, *On Killing*; William Thomas Allison, "Kill Anything That Moves: The Real American War in Vietnam," *Parameters* 43, no. 4 (Winter /2014 2013): 162–63.

¹² Turse, *Kill Anything That Moves*; Grossman, *On Killing*.

¹³ David Halberstam, *The Best and the Brightest* (New York, N.Y: Penguin Books, 1983); Gary Kulik, Peter Zinoman, and Nick Turse, "Misrepresenting Atrocities: Kill Anything That Moves and the Continuing Distortions of the War in Vietnam," *Cross-Currents*, no. 12 (August 31, 2014): 162–98.

¹⁴ Halberstam, *The Best and the Brightest*.

the U.S. military and government manipulated information to downplay the extent of the violence to the public in order to keep their attention off of the Vietnam War.¹⁵ The authors argue that political and institutional factors played a significant role in shaping the nature of the conflict and contributing to the excessive violence perpetrated by American forces.

Lastly, a few writers, such as Grossman, Sallah, and Nelson, delve into the role of military training in shaping soldiers' attitudes towards violence.¹⁶ Some writers argue that the training process is designed to desensitize recruits to the act of killing, conditioning them to follow orders without questioning the moral implications of their actions.¹⁷ One such source revolves around a case study of the consequences of this military culture, revealing the story of an elite U.S. Army unit, the Tiger Force, that engaged in a brutal campaign of murder, mutilation, and rape during the Vietnam War.¹⁸ The actions of the Tiger Force illustrate the dangers of a military culture that prioritizes aggression and devalues the lives of the enemy, further highlighting the importance of understanding the role of training and culture in shaping the behavior of soldiers.¹⁹ This military culture is condemned by Nelson, who points to the fact that almost no training was provided to officers or enlisted to give them the necessary tools to prevent escalating violence.²⁰ Tragically, it would stand to reason that if military training during Vietnam had devoted more time to actively trying to educate and instill a moral and ethical ethos into American forces, senseless brutality may have been curbed in that conflict.

2. Iraq Conflicts

Conflicts in Iraq, which include both the First Gulf War (1990-1991) and the Iraq War (2003–2011) remains a focal point of analysis and discussion among historians,

¹⁵ Kulik, Zinoman, and Turse, "Misrepresenting Atrocities: Kill Anything That Moves and the Continuing Distortions of the War in Vietnam."

¹⁶ Grossman, *On Killing*; Nelson, *The War Behind Me*; Turse, *Kill Anything That Moves*.

¹⁷ Grossman, *On Killing*.

¹⁸ Sallah and Weiss, *Tiger Force*.

¹⁹ Sallah and Weiss; Orrin G. Stitt, "The Soldier's Dilemma: Using Decision Theory to Explain American War Crimes" (2007), <https://calhoun.nps.edu/handle/10945/10174>.

²⁰ Nelson, *The War Behind Me*; Turse, *Kill Anything That Moves*.

strategists, and journalists alike. A specific facet that has sparked considerable debate centers on the application of overwhelming force by U.S. personnel. Notably, the ‘Highway of Death’ incident and the contentious bombing of Iraqi troops post-ceasefire, often associated with General Barry McCaffrey, stand out as events that have polarized opinion. While some argue that these actions were justified and strategic necessities, others decry them as glaring examples of excessive force and potential war crimes.

In his book *Chain of Command*, Seymour Hersh offers a deep dive into the background machinations of the Iraq War.²¹ Hersh is known for his meticulous investigative skills, and in this work, he presents a damning critique of the American military’s tactics, suggesting that an overarching strategy of using “overwhelming force” led to unnecessary civilian casualties and other excesses.²² The ‘Highway of Death,’ where retreating Iraqi troops were decimated by American airstrikes, stands out as an example. Hersh paints a grim picture, detailing the wanton destruction of military hardware and the high loss of life, many of whom, he claims, were non-combatants.

In the same vein, Hersh’s article “Overwhelming Force,” published in *The New Yorker*, zeroes in on General Barry McCaffrey.²³ Here, Hersh alleges that McCaffrey’s troops, days after a ceasefire had been announced, fired on retreating Iraqi troops, killing more than 200.²⁴ This portrayal, however, has been met with backlash, especially from military quarters, who accuse Hersh of presenting a one-sided view.²⁵ They argue that the forces under McCaffrey were operating under the fog of war, making decisions in real-time without the luxury of hindsight.²⁶ Other works in the literature also present varied viewpoints. Some, like *Fiasco* by Thomas E. Ricks, align with Hersh’s perspective,

²¹ Seymour M. Hersh, *Chain of Command: The Road from 9/11 to Abu Ghraib*, 1. ed (New York, NY: HarperCollins, 2004).

²² Hersh; Seymour Hersh, “Overwhelming Force,” *The New Yorker*, Annals of War, no. May 22, 2000 (May 14, 2000): 48.

²³ Hersh, “Overwhelming Force.”

²⁴ Hersh.

²⁵ Barry R. McCaffrey, “A General’s View of Iraq,” *Los Angeles Times*, April 3, 2007, <https://www.latimes.com/archives/la-xpm-2007-apr-03-oe-mccaffrey3-story.html>.

²⁶ McCaffrey.

suggesting that American military leadership often took a heavy-handed approach, resulting in unnecessary casualties and geopolitical complications.²⁷ Ricks examines the broader strategy in the Iraq War, hinting at systemic issues that might have fostered such aggressive tactics.

However, several veterans and military historians have argued against these portrayals, such as Thomas Ricks and Michael Gordon.²⁸ These works suggest that while excesses occurred, they were exceptions rather than the rule.²⁹ They maintain that the majority of military actions were based on solid intelligence and were executed with precision.³⁰ In the context of the Highway of Death, they argue that the retreating forces were still a legitimate military target, as they could regroup and relaunch counteroffensives.

The literature surrounding the use of excessive force in conflicts in Iraq, especially concerning incidents like the ‘Highway of Death’ and the actions of General Barry McCaffrey, presents a multifaceted picture. While critical voices like Hersh’s offer a sobering view of American military actions, others present a more nuanced perspective, emphasizing the complexities and challenges of warfare.³¹ As with many aspects of the Iraq War, the truth likely lies in a grey area, underscoring the need for continual study and introspection.

3. Eddie Gallagher

The literature surrounding the Eddie Gallagher incident is limited, and the wider literature on the desecration of bodies and the Iraq war is a bit divided. To start, some of the literature portrays Gallagher as someone who was more concerned with individual accolades than professional tactical acumen and who would sacrifice soldiers under his

²⁷ Thomas E. Ricks, *Fiasco: The American Military Adventure in Iraq; [with a New Postscript]* (London: Penguin Books, 2007).

²⁸ Michael Richard Gordon and Bernard E. Trainor, *Cobra II: The inside Story of the Invasion and Occupation of Iraq; [with a New Afterword]*, 1. Vintage Books ed (New York: Vintage Books, 2007); Thomas E. Ricks, *The Generals: American Military Command from World War II to Today* (New York, NY: Penguin Press, 2012).

²⁹ Ricks, *The Generals*.

³⁰ Gordon and Trainor, *Cobra II*.

³¹ McCaffrey, “A General’s View of Iraq”; Hersh, *Chain of Command*.

command in order to improve his chances of getting some form of recognition.³² This portrayal is important as it exposes a potential reason for Gallagher's actions, which led to the desecration of a body: at least in Eddie Gallagher's mind, the SEAL component of the U.S. Navy valued individual achievements over group performance.³³ This characterization also sheds light on who Gallagher was as a person, and suggests that, as an individual, he may have been predisposed to commit war crimes and was simply in an environment that enabled him to commit them except by the people closest to him.

The wider literature that deals with the conflict in the Middle East also describes the constant psychological stress that leads to behaviors like the dehumanizing of enemies and the collecting of trophies.³⁴ These overarching issues paint a bleak picture of the war in Iraq, and act as a backdrop for the events that led to Gallagher's actions. This literature also is inconsistent about the nature of trophy taking, which some have downplayed as a simple consequence of war.³⁵ While trophy taking is not something that Eddie Gallagher was accused of, the lack of respect for the bodies of fallen enemies is a common theme of war, and this literature helps to shed light on the mental state that is required to take such actions. Also, while the actions of Gallagher were highly publicized, there were other incidents related to body desecration that were reported, all with varying degrees of completion.³⁶ Overall, the literature describes a challenging environment that enabled bad people to do bad things with little to no oversight, and the only reason Eddie Gallagher was caught was due to the actions of those who were in close proximity.

³² Philipps, *Alpha*; Josh Vriens, "'My Only Regret Is Not Doing More' — Why I Reported Eddie Gallagher for War Crimes," Task & Purpose, January 25, 2022, <https://taskandpurpose.com/news/eddie-gallagher-war-crimes/>; Navy Times Staff, "What Motivated Fellow SEALs to Dime out Eddie Gallagher?"

³³ Navy Times Staff, "What Motivated Fellow SEALs to Dime out Eddie Gallagher?"

³⁴ Reuters, "Sadly, Human Trophies Are as Old as War Itself," *Reuters*, April 19, 2012, <https://www.reuters.com/article/idUK288402654320120418>; Stephanie Decker and John Paul, "The Real Terrorist Was Me: An Analysis of Narratives Told by Iraq Veterans Against the War in an Effort to Rehumanize Iraqi Civilians and Soldiers," *Societies Without Borders* 8 (2013).

³⁵ Reuters, "Sadly, Human Trophies Are as Old as War Itself."

³⁶ CBS News, "Taliban Body Desecration Probed," October 20, 2005, <https://www.cbsnews.com/news/taliban-body-desecration-probed/>.

F. HYPOTHESIS

One potential explanation for the actions of at My Lai and Eddie Gallagher in Iraq is that soldiers in the U.S. military did not have a clear understanding of the principles of jus in bello, the rules that govern how wars are conducted.³⁷ Training that fails to emphasize these principles, which include proportionality, discrimination between combatants and non-combatants, and respect for human life, may have led to the actions that resulted in the My Lai Massacre.³⁸ The hypothesis is that soldiers who are well-educated in these principles are less likely to participate in actions that violate them. In the My Lai Massacre, for example, a misunderstanding of the principles of jus in bello may have kept soldiers from questioning the orders they were given and allowed them to participate in the mass killing of civilians.

A second potential explanation is that the dehumanization of the enemy empowered soldiers to do inhuman things to other people. Dehumanization, through systematic military training designed to harden soldiers and turn them into an effective and lethal fighting force, and through social and cultural pressure, encourages individuals to see the enemy as different from themselves and to believe that these enemies do not deserve the humane treatment that normal people should be awarded.³⁹ This theory posits that the U.S. soldiers at My Lai saw the Vietnamese not as individuals, but as an enemy “other,” making it easier to commit violent acts against them.⁴⁰ Also, this phenomenon was potentially prevalent in the Middle East, and magnified cultural and religious differences that led to a complete breakdown of mercy and understanding between the forces involved.⁴¹ Therefore, the dehumanization of the enemy, facilitated by a mix of military conditioning

³⁷ International Committee of the Red Cross, “Jus Ad Bellum and Jus in Bello,” June 27, 2016, <https://www.icrc.org/en/document/jus-ad-bellum-jus-in-bello>; Brian Orend, “Jus in Bello— Just Conduct in War,” *United States Naval Academy*, n.d., https://www.usna.edu/CoreEthics/Orend_Just_Conduct_in_War.

³⁸ Orend, “Jus in Bello— Just Conduct in War.”

³⁹ Olivia Oliver, “Dehumanization in War and Combat: Rhetoric and Practice” (Texas A&M University, 2017).

⁴⁰ Anderson, *Facing My Lai*.

⁴¹ Christopher Frew, “Afghanistan and Dehumanisation,” *The Guardian*, March 16, 2012. <https://www.theguardian.com/world/2012/mar/16/afghanistan-and-dehumanisation>.

and cultural and religious disparities, forms a potential root cause of these tragic incidents. By blurring the common thread of humanity, it can desensitize soldiers to the inherent dignity of all individuals, leading to gross ethical violations.

In light of these investigations, this thesis endeavors to create a nexus of comprehension, weaving through various narratives and scholarly discourses that dissect the complexities inherent in war crimes, utilizing prominent instances like the My Lai Massacre and the actions of Eddie Gallagher as focal points of study. This exploration seeks not only to contribute to a more rounded understanding of the factors that precipitate such crimes but also aims to foster a proactive stance in preventing such incidents in future military engagements. By delving deep into the dynamics of political decision-making, systemic violence, and military culture and training, this research intends to pave a path towards a new paradigm where ethical conduct and respect for human dignity stand at the forefront of any military endeavor.

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II. THE MY LAI MASSACRE

The Vietnam War, also known as the Second Indochina War, was fought between 1955 and 1975 and the conflict's roots can be traced back to the First Indochina War (1946–1954) between the communist-led Viet Minh and the French colonial administration.⁴² The 1954 Geneva Accords, which ended that war, divided Vietnam at the 17th parallel: the communist-led North Vietnam and the anti-communist South Vietnam.⁴³ The division was intended to be temporary, leading up to national elections in 1956. However, the elections were never held, and the two Vietnams solidified into separate entities.⁴⁴ The Vietnam War began as an insurgency in South Vietnam led by the communist Viet Cong against the anti-communist government in the south. The North Vietnamese government supported the Viet Cong. The United States, fearing the spread of communism in Southeast Asia (the “domino theory”), began providing financial and military assistance to the South Vietnamese government.⁴⁵

In the early 1960s, U.S. involvement escalated and by 1965, the U.S. commenced large-scale bombing campaigns against the North and deployed ground troops in the South. However, the guerrilla tactics used by the Viet Cong and the North Vietnamese Army presented challenges for conventional U.S. forces. The Tet Offensive of 1968, despite being a military failure for the communists, was a turning point in the war, eroding U.S. public support.⁴⁶ The war became increasingly controversial in the United States. Americans opposed the conflict on moral, political, or pragmatic grounds, leading to widespread protests and demonstrations, especially among young people and college

⁴² Central Intelligence Agency, “Vietnam,” in *The World Factbook* (Central Intelligence Agency, August 15, 2023), <https://www.cia.gov/the-world-factbook/countries/vietnam/>.

⁴³ Ronald Spector, “Vietnam War | Facts, Summary, Years, Timeline, Casualties, Combatants, & Facts | Britannica,” Britannica, August 16, 2023, <https://www.britannica.com/event/Vietnam-War>.

⁴⁴ Britannica, “Vietnam | History, Population, Map, Flag, Government, & Facts | Britannica,” Britannica, August 17, 2023, <https://www.britannica.com/place/Vietnam>.

⁴⁵ Amanda Onion et al., “Vietnam War: Causes, Facts & Impact,” HISTORY, March 28, 2023, <https://www.history.com/topics/vietnam-war/vietnam-war-history>.

⁴⁶ Onion et al.

students.⁴⁷ The war also exposed divisions within the U.S. on issues like race, class, and political beliefs. Peace talks began in 1968, but it would be years before they concluded. The U.S. began gradually drawing down troops and transitioning responsibility to South Vietnamese forces, a process called “Vietnamization.”⁴⁸ In 1973, the U.S. and North Vietnam signed the Paris Peace Accords, leading to the withdrawal of the last U.S. combat troops.⁴⁹ However, the fighting between North and South Vietnam continued. In April 1975, the North Vietnamese took control Saigon, the capital of South Vietnam, effectively ending the conflict with a victory for the communists.

The Vietnam War had implications for the United States, both at home and abroad. It divided the American public and may have eroded trust in government institutions. The war also influenced U.S. military practices, particularly regarding the importance of winning “hearts and minds” in counterinsurgency operations and ensuring that there was clear public and congressional support for overseas military engagements.⁵⁰ In Vietnam, the war’s legacy includes significant human, economic, and environmental costs.⁵¹ During the Vietnam War, many incidents involving U.S. forces led to allegations of war crimes, with one of the most notorious among them being the My Lai Massacre.⁵² The issue of war crimes during the Vietnam War is a complex topic, as some incidents were investigated internally by the military, while others might have received media attention that did not necessarily result in formal charges.

⁴⁷ Halberstam, *The Best and the Brightest*; Amanda Onion et al., “Vietnam War Protests: Antiwar & Protest Songs,” HISTORY, November 1, 2022, <https://www.history.com/topics/vietnam-war/vietnam-war-protests>; Onion et al., “Vietnam War.”

⁴⁸ Spector, “Vietnam War | Facts, Summary, Years, Timeline, Casualties, Combatants, & Facts | Britannica.”

⁴⁹ Onion et al., “Vietnam War.”

⁵⁰ Onion et al.; Edwin L. Dale Jr, “What Vietnam Did to the American Economy,” *The New York Times*, January 28, 1973, <https://www.nytimes.com/1973/01/28/archives/what-vietnam-did-to-the-american-economy-worsening-payments-deficit.html>.

⁵¹ Central Intelligence Agency, “Vietnam”; Britannica, “Vietnam | History, Population, Map, Flag, Government, & Facts | Britannica.”

⁵² Anderson, *Facing My Lai*; Ridenhour, “Perspective on My Lai.”

It is arguable that the Vietnam War was one of the most complicated U.S. conflicts both in terms of military operations and ethical issues that the U.S. armed forces had to navigate. Due to this complexity, this chapter will attempt to unravel some of the various issues which contributed to the My Lai Massacre in order to better examine the potential root causes of this event. Because the American Military should do all in its power to prevent events like My Lai, the overall question which should be asked is did the American military did learn what it needed to from My Lai, both in how it should train its soldiers and how it understands the conflicts that it fights in order to keep war crimes to a minimum. The short answer: No.

The first part of this chapter will look at the evolution of violence in Vietnam, which helps to explain how the American military was pushed into a conflict that it may have not been ready to fight, organizationally and ethically. Part two will examine the events and circumstances that led up to and enabled the My Lai Massacre. Part three will discuss the My Lai Massacre itself, with a hard look at the overall timeline and sequence of events for the massacre. Part four will focus on the aftermath, trials, and implications of the massacre, which surfaced after the events at My Lai. Part five will then focus on what I have identified as the important lessons that should be taken away from the My Lai Massacre, and the steps forward.

A. LEAD-UP TO MY LAI

America's involvement in Vietnam began as a stand against communism during the Cold War era, leading to a full-scale military intervention. With traditional combat strategies often proving ineffective in guerilla warfare, the lines between enemy combatants and civilians gradually blurred.⁵³ This confusion fueled a toxic perception of all Vietnamese as potential threats and underscored a growing ethical crisis within the U.S. forces. The My Lai massacre stands as one of the most harrowing symbols of the Vietnam War, a complex and horrifying incident with potential deep roots in the structure and conduct of the U.S. military.⁵⁴ Nestled in Quang Ngai Province, My Lai was known to the

⁵³ Grossman, *On Killing*.

⁵⁴ Anderson, *Facing My Lai*.

U.S. forces as Pinkville and marked on military maps in a shade of pink.⁵⁵ This cluster of hamlets was reputed to be a stronghold for the Viet Cong and thus became a focus of military attention.⁵⁶ As tensions escalated and moral boundaries blurred, the stage was set for a tragedy that would shock the world.

Institutional issues within the military played a crucial role in shaping the behavior of soldiers on the ground during the Vietnam War. Basic training for Vietnam was intense and often involved indoctrination to the dehumanization of the enemy.⁵⁷ The portrayal of all Vietnamese as potential threats, coupled with insufficient regulations against atrocities, planted potential seeds of moral degradation.⁵⁸ This portrayal of the Vietnamese may have been offset by the military laws that govern treatment of combatants and non-combatants, but these rules were not strong enough nor were they taught to both enlisted and officers in a way that would keep excessive violence in check.⁵⁹ As stated by Nelson, an author who conducted investigating reporting on declassified papers from Vietnam, “Having it say so in the UCMJ [Uniform Code of Military Justice] is not enough. It has to be a policy that is started at the very beginning of Basic Training and is hammered home day after day after day.”⁶⁰ This lack of ethics and morality training, coupled with a UCMJ that was not hammered into the average American soldier’s consciousness, created a vast number of soldiers who lacked the training to deal with the complex ethical dilemmas that they would face in Vietnam.

Another structural flaw inherent in the UCMJ exacerbated the potential for unchecked violence during the Vietnam War. Given that the UCMJ mandated soldiers to report potential war crimes through their immediate superiors, the system designed to

⁵⁵ Nelson, *The War Behind Me*; W. R. Peers, “The Peers Inquiry of the Massacre at My Lai,” image, Library of Congress, Washington, D.C. 20540 USA, accessed August 24, 2023, <https://www.loc.gov/item/97042604/>.

⁵⁶ Nelson, *The War Behind Me*; Anderson, *Facing My Lai*.

⁵⁷ John R. Milam, *Not a Gentleman’s War: An Inside View of Junior Officers in the Vietnam War* (Univ of North Carolina Press, 2009).

⁵⁸ Harry G. Summers, *On Strategy: A Critical Analysis of the Vietnam War* (Random House Publishing Group, 1995).

⁵⁹ Grossman, *On Killing*.

⁶⁰ Nelson, *The War Behind Me*, 187.

prevent such crimes was fundamentally flawed if those very superiors were complicit in or promoters of the atrocities:⁶¹ “Because the UCMJ required soldiers to report potential war crimes through their immediate chain of command, the lack of a useful alternative left soldiers with no effective way to report potential war crimes if their officers had themselves participated in, or encouraged, atrocities as a legitimate part of the war.”⁶² This created an environment where soldiers, faced with the moral dilemma of whether or not to report an event, found themselves in an untenable position, lacking an effective alternative reporting mechanism.⁶³ Without an unbiased and safe avenue to voice their concerns or reveal knowledge of war crimes, many soldiers remained silent, either by fear of retribution or the futility of the system.⁶⁴ This institutional failure paved the way for increased violence on the ground, as those in positions of power, aware of the lack of checks on their actions, could act with relative impunity.⁶⁵ The result was an erosion of control and discipline within ranks, leading to heightened incidences of violence and potential war crimes, as there were no effective mechanisms to hold perpetrators accountable.

America also had to expediate training for junior officers who would become combat leaders due to various issues, primarily the pressing demand caused by the war’s escalation and the high casualty rates.⁶⁶ The rapid training often meant that these officers were sent to combat without the comprehensive training of their predecessors, which sometimes led to their inexperience being exploited in the challenges of guerrilla warfare.⁶⁷ Despite these obstacles, many of these junior officers performed admirably and showcased tenacity and adaptability in the face of a complex and evolving combat

⁶¹ Christopher James Levesque et al., “Not Just Following Orders: Avoiding and Reporting Atrocities During the Vietnam War” (Tuscaloosa, Alabama, The University of Alabama, 2014).

⁶² Levesque et al., 93.

⁶³ Levesque et al., “Not Just Following Orders: Avoiding and Reporting Atrocities During the Vietnam War.”

⁶⁴ Turse, *Kill Anything That Moves*; Summers, *On Strategy*; Peers, “The Peers Inquiry of the Massacre at My Lai.”

⁶⁵ Peers, “The Peers Inquiry of the Massacre at My Lai.”

⁶⁶ Milam, *Not a Gentleman’s War*.

⁶⁷ Milam.

scenario.⁶⁸ Still, this training of officers, which was born out of necessity to replace those lost in the beginning of the Vietnam War, meant that the American Military was unable to properly identify those who could be considered “bad apples” and were predisposed towards excessive violence.

A disturbing lack of control from commanding officers further exacerbated the situation. The lack of control was seen in both combat leaders and higher-level officers in charge of larger operations.⁶⁹ This failure to instill discipline and ethical guidelines paved the way for a lack of accountability. This lack of control, both over their own emotions and the actions and emotions of their subordinate soldiers, meant that these officers were unable to keep their soldiers from acting in dehumanizing ways. Many soldiers believed that if officers were out of control, there would be no hope of controlling the men.⁷⁰

Another issue was the inability of the American Military to find a useful metric for measuring success in Vietnam. Without a metric that could be relied upon, the Military fell back on the simple metric it had used in the past: body counts. However, due to the new kind of war that America was fighting in Vietnam, body count was not a useful metric; the failure of intelligence to determine how many enemy combatants were operating in an area, and the ability of the Viet Cong to blend into civilian populations, were both hard to track, rendering the traditional metric useless as a yardstick for success.⁷¹ The body count metric also contributed to increased civilian killings, as “the pressures to demonstrate battlefield effectiveness not only diminished the role of pacification efforts but helped to distort the accuracy of body counts as a reliable metric for progress.”⁷² Combat commanders were encouraged to increase their kill counts, and not many questions were asked about how and

⁶⁸ Milam.

⁶⁹ Milam; Paul A. Dennis et al., “Moral Transgression during the Vietnam War: A Path Analysis of the Psychological Impact of Veterans’ Involvement in Wartime Atrocities,” *Anxiety, Stress, and Coping* 30, no. 2 (March 2017): 188–201, <https://doi.org/10.1080/10615806.2016.1230669>.

⁷⁰ Nelson, *The War Behind Me*.

⁷¹ Summers, *On Strategy*.

⁷² Gregory A. Daddis, “The Problem of Metrics: Assessing Progress and Effectiveness in the Vietnam War,” *War in History* 19, no. 1 (January 1, 2012): 73–98, <https://doi.org/10.1177/0968344511422312>.

by whom these kills came about. This situation was one reason, but unfortunately was not the only reason why violence was visited on civilians in large numbers.

Along with the misplaced importance of body counts in the American view of success, the war saw an increasing number of incidents of indiscriminate violence against civilians as a result of the tragic shift in perception wherein “everyone was the enemy.”⁷³ Civilian casualties were often dismissed or whitewashed, eroding the moral compass of those involved in the conflict, as it seemed that the American military as a whole was implicitly approving the killing of any Vietnamese, regardless of whether they could prove that they were Viet Cong or Viet Cong sympathizers.⁷⁴ Due to the Viet Cong’s ability to blend into the civilian population and many civilians supporting the Viet Cong, or at the least tolerating their presence in their villages and hamlets, the Americans had a hard time identifying who was an enemy, who was a supporter of the enemy, and who was just a civilian with no connections to the Viet Cong.⁷⁵ All of these issues created a situation wherein violence against civilians was almost a given because the American Military seemed to be unable to prevent its soldiers from being placed in situations where they could perform horrible acts against civilians and unwilling to give the soldiers and their leaders the tools or at least the accountability to keep them from giving into violent tendencies.

With all of these underlying issues, Task Force Barker, a temporary unit formed to conduct operations in Quang Ngai, was briefed about the planned assault on My Lai. Their leader, Capt. Ernest Medina, anticipated fierce resistance, preparing his men mentally for a significant battle. The objective was clear: to root out the enemy in Pinkville. Also contributing to the overall understanding of the objectives of this operation was that “during or subsequent to the briefing, LTC Barker ordered the commanders of C/1-20 Inf, and possibly B/4-3 Inf, to burn the houses, kill the livestock, destroy foodstuffs and perhaps to close the wells. No instructions were issued as to the safeguarding of noncombatants

⁷³ Nelson, *The War Behind Me*; Sallah and Weiss, *Tiger Force*.

⁷⁴ Sallah and Weiss, *Tiger Force*; Nelson, *The War Behind Me*.

⁷⁵ Turse, *Kill Anything That Moves*; Summers, *On Strategy*.

found there.”⁷⁶ Prior to the massacre, the Charlie Company, part of the America Division’s 11th Brigade, suffered heavy casualties in the Quang Ngai province from booby traps, mines, and guerrilla tactics. Intelligence suggested that the 48th Viet Cong Battalion, a particularly potent enemy unit, was present in the My Lai region. Under the command of Lieutenant William Calley, Charlie Company was dispatched on a search-and-destroy mission in My Lai, with the expectations of engaging this enemy force.⁷⁷ Task Force Baker was ready for a fight and to kill everyone they saw because “The company commanders were told that most of the population of Son My were “VC (Viet Cong) or VC sympathizers” and were advised that most of the civilian inhabitants would be away from Son My and on their way to market by 0700 hours.”⁷⁸ Thus, the American soldiers were mentally preparing to fight everything and anything that they came across, destroy any infrastructure they found in order to keep the enemy from using the area as a staging base to attack the Americans again, and for some, get revenge for their brethren who had been recently slain.

The night before the planned assault, the air was thick with anticipation and anxiety. The men were braced for confrontation, expecting to face battle-hardened Viet Cong soldiers. Little did they know that the mission they were embarking on would devolve into a massacre, forever etching their names into the annals of infamy. The stage was set for My Lai, a tragic confluence of flawed military training, lack of accountability, and an environment that fostered violence against civilians. The impending tragedy was not an isolated incident but a manifestation of broader systemic issues.

B. THE MY LAI MASSACRE

On the morning of March 16, 1968, as the sun began to rise over the South Vietnamese hamlets of My Lai and My Khe, few could predict the horrors that would unfold in the following hours. Charlie Company, led by Lieutenant William Calley, descended on the region, anticipating a confrontation with the formidable 48th Viet Cong

⁷⁶ Peers, “The Peers Inquiry of the Massacre at My Lai,” 2–2.

⁷⁷ Peers, “The Peers Inquiry of the Massacre at My Lai.”

⁷⁸ Peers, 2–1.

Battalion.⁷⁹ Instead, they were met with the quiet hum of village life: farmers working in fields, children playing, and women going about their daily chores.⁸⁰ Despite the apparent calm and absence of any armed Viet Cong soldiers, as the hours passed, Charlie Company, perhaps propelled by a combination of fear, pent-up frustration from prior losses, and poor leadership, initiated a spree of unbridled violence.⁸¹ The soldiers herded groups of villagers—the elderly, women, and children—into ditches and opened fire, mowing them down in cold blood as the air echoed with the sounds of gunshots and terrified screams.⁸² This event was captured in the Peers’s Inquiry, which sought to uncover the actual events of My Lai two years after the initial events, and in Inquiry states that “Most of the inhabitants who were not killed immediately were rounded up into two groups. The first group, consisting of about 70–80 Vietnamese, was taken to a large ditch east of My Lai (4) and later shot. A second group, consisting of 20–50 Vietnamese, was taken south of the hamlet and shot there on a trail.”⁸³ These killings were not the last to occur, and the day continued with more violence and killings.

But the brutality didn’t stop at mass shootings. Soldiers assaulted women and girls, committing acts of rape and sexual abuse.⁸⁴ They mutilated the bodies of the dead, some even carving “C Company” into the chests of their victims as a grotesque signature.⁸⁵ Houses were set ablaze, livestock slaughtered, and personal possessions looted.⁸⁶ The beautiful landscape of My Lai, which had for generations nurtured its inhabitants, was transformed into a grotesque tableau of death and destruction.

The dynamics within the ranks during the My Lai Massacre reveal a chaotic and disjointed chain of command and underscores the apparent lack of cohesion and control

⁷⁹ Peers, “The Peers Inquiry of the Massacre at My Lai.”

⁸⁰ Anderson, *Facing My Lai*.

⁸¹ Peers, “The Peers Inquiry of the Massacre at My Lai”; Anderson, *Facing My Lai*.

⁸² Anderson, *Facing My Lai*.

⁸³ Peers, “The Peers Inquiry of the Massacre at My Lai,” 2–2.

⁸⁴ Peers, “The Peers Inquiry of the Massacre at My Lai”; Anderson, *Facing My Lai*.

⁸⁵ Ridenhour, “PERSPECTIVE ON MY LAI.”

⁸⁶ Bertrand Russell, *War Crimes in Vietnam* (NYU Press, 2011).

among the troops. When the chain of command for Baker Company were made aware that something was going wrong in My Lai, it was reported that there were a few orders that were issued to stop the violence against people in the area.⁸⁷ It was reported in the Peers's Inquiry that "there was considerable testimony that orders to stop the killing were issued two or three times during the morning. The 2d Platoon received such an order around 0920 hours and promptly complied. The 1st Platoon continued the killings until perhaps 1030 hours, when the order was repeated. By this time the 1st Platoon had completed its sweep through the subhamlet."⁸⁸ Despite clear directives, issued multiple times, to halt the violence, the 1st Platoon carried on with its devastating sweep through the subhamlet, and while the 2nd Platoon promptly heeded the initial order at around 0920 hours, the 1st Platoon's continuance until approximately 1030 hours highlights not only a severe breakdown in communication but also a troubling disconnect between orders from higher-ups and the actions of soldiers on the ground. This lag in response time, coupled with the already mounting civilian casualties, magnified the tragedy of that day.

The actions of Thompson and his crew stood in stark contrast to the horrors unfolding around them, and while the ground was awash with indiscriminate violence, this small crew chose to put themselves in harm's way to save innocent lives. Helicopter pilot Warrant Officer Hugh Thompson and his crew, from a distance, initially mistook the bodies for dead Viet Cong soldiers.⁸⁹ However, upon closer inspection, the horrifying truth dawned on them and Thompson and his crewmembers, in an act of moral courage, attempted to intervene.⁹⁰ In one of the day's few acts of humanity, they landed their helicopter between a group of fleeing civilians and pursuing U.S. soldiers, directing the Vietnamese to safety and confronting their fellow Americans.⁹¹ Although Thompson and his helicopter crew was able to save only a handful of civilians and was unable to completely stop his fellow soldiers from committing acts of further violence, they were

⁸⁷ Peers, "The Peers Inquiry of the Massacre at My Lai."

⁸⁸ Peers, 2–3.

⁸⁹ Peers, "The Peers Inquiry of the Massacre at My Lai."

⁹⁰ Anderson, *Facing My Lai*.

⁹¹ Peers, "The Peers Inquiry of the Massacre at My Lai"; Anderson, *Facing My Lai*.

able to at least prove that some American soldiers were still able to do the right thing when their backs were up against an ethical wall. Thompson's confrontation with the soldiers further showcased his resolve and commitment to upholding the values of humanity and decency, even in the midst of a war where those values seemed to have been forgotten.

My Lai did not occur in a vacuum, as another massacre occurred the same day at My Khe 4, another hauntingly similar to My Lai. My Khe 4 was systematically destroyed via heavy machinegun fire that killed many civilians. After the barrage was completed, the soldiers moved into the hamlet and used explosives to destroy what remained of the buildings with no regards to their occupants.⁹² The recurrence of such violence underscores a systemic issue within the military, where a culture of brutality was not only tolerated but implicitly encouraged.⁹³ This pattern of atrocities demonstrates an entrenched failure to uphold moral principles and international law.

By the end of that tragic day, the hamlets of My Lai and My Khe were decimated. What remained was a haunting silence, broken only by the crackling of burning homes and the occasional whimpers of traumatized survivors. The landscape was scarred with the evidence of humanity's capacity for cruelty, a chilling reminder that, even amidst the broader horror of war, there are depths to which humanity should never descend. The My Lai Massacre is remembered not only for the inhumane violence perpetrated by American soldiers but also for the subsequent cover-ups and the leniency with which instigators and participants were treated. It stands as a grim testament to the horrors of war and the importance of military accountability.

The My Lai Massacre's immediate aftermath saw deliberate attempts by the involved personnel to suppress the truth, with one of the most striking examples being the glaring omission of the event in unit journals. The inquiry after the incident discovered that "none of these reports was entered in unit journals or reported outside the America Division."⁹⁴ This highlights the lengths to which some went to keep the brutal incident

⁹² Peers, "The Peers Inquiry of the Massacre at My Lai."

⁹³ Ridenhour, "PERSPECTIVE ON MY LAI"; Anderson, *Facing My Lai*.

⁹⁴ Peers, "The Peers Inquiry of the Massacre at My Lai," 2–4.

under wraps. Unit journals typically serve as a vital record of events, engagements, and actions undertaken by military units.⁹⁵ The fact that such a significant and harrowing incident was excluded speaks to an organized effort to prevent the wider military establishment, and by extension the American public, from learning about the atrocities committed that day. This deliberate obfuscation underscores the profound impact of the incident on the perpetrators and their superiors, and the broader challenges of maintaining moral integrity in the fog of war.

The aftermath of the My Lai Massacre was not only marked by immediate attempts to conceal the event, but by a sustained endeavor over years to keep the truth buried. This effort is evident through the following statement in the Peer's Inquiry: "Efforts initiated in 1968 deliberately to withhold information continue to this day [1970]. Six officers who occupied key positions at the time of the incident exercised their right to remain silent before this Inquiry, others gave false or misleading testimony or withheld information, and key documents relating to the incident have not been found in U.S. files."⁹⁶ This uncovered information is a chilling testament to the deep-rooted desire among certain factions within the military to prevent the unearthing of the full scope of the atrocities. This continued silence and manipulation indicate a significant systemic issue, and by choosing to remain silent, offering misleading information, or even possibly orchestrating the disappearance of vital documents, these officers not only impeded the course of justice but also demonstrated the extent of moral erosion that such incidents can precipitate within an institution. The long shadow of My Lai is not just about a singular event but also about the enduring struggle for truth and accountability in its wake.

C. CONTINUED FAILURES AND AFTER ACTION TRIALS

Far from being merely the result of individual failures, the massacre at My Lai was the logical consequence of U.S. military policy in Vietnam. This policy, which may have facilitated the dehumanization and brutalization of civilians, reveals a fundamental

⁹⁵ Peers, "The Peers Inquiry of the Massacre at My Lai"; Anderson, *Facing My Lai*; Summers, *On Strategy*.

⁹⁶ Peers, "The Peers Inquiry of the Massacre at My Lai," 2–9.

institutional moral failure. It calls attention to a glaring lack of ethical oversight that extended to the highest levels of the military. By examining the outcomes of this event and understanding how and why the American military made the decisions it made, it is possible to see the similarities to other events and determine the best way to move forward to prevent another My Lai. This section will look at failers which the American military has not yet completely addressed which were on allowed the My Lai Massacre to occur, and the trials which happened after the incident which were unable to hold accountable not just the individuals which committed war crimes during My Lai but the military as and whole which developed the structure which allowed incidents like My Lai to be perpetrated.

The hesitation to wholeheartedly acknowledge and internalize the lessons from the My Lai Massacre casts a lingering shadow over the ethical foundation of both military and governmental bodies. Decades have passed since the grim event unfolded, yet the conspicuous lack of sincere initiatives to both confront the gravity of the crimes and integrate the lessons into military training and doctrine denote an enduring lapse in institutional accountability and leadership.⁹⁷ Such oversight becomes even more alarming when juxtaposing the horrors of My Lai with the abominations perpetrated by German forces during World War II, such as the Malmedy Massacre.⁹⁸ Both events, separated by mere decades, starkly highlight the cyclical nature of human atrocities in the theater of war and the recurrent inability or unwillingness of institutions to fully absorb and implement the profound lessons from our collective past.

The My Lai Massacre also stands out as a profound lapse in tactical decision-making. It was not just the act itself but the circumstances leading up to it that exposed a deeply rooted issue. The brutality unleashed upon the unarmed civilians at My Lai was not a spontaneous act of rage but an alarming manifestation of a recurring theme—a pervasive

⁹⁷ Michal R. Belknap, *The Vietnam War on Trial: The My Lai Massacre and the Court-Martial of Lieutenant Calley*, Landmark Law Cases & American Society (Lawrence, Kan: University Press of Kansas, 2002); Anderson, *Facing My Lai*.

⁹⁸ Ridenhour, “PERSPECTIVE ON MY LAI”; United States Holocaust Memorial Museum, “The Malmedy Massacre,” Holocaust Encyclopedia, n.d., <https://encyclopedia.ushmm.org/content/en/article/the-malmedy-massacre>.

disregard for the principles of ethical warfare.⁹⁹ Many factors converged to pave the way for this tragedy. The chain of command seemed either ambiguous or indifferent about clear rules of engagement. Soldiers, driven by a mix of fear, misinformation, and possibly prejudices, failed to discern between genuine enemy combatants and innocent non-combatants. This murky environment, coupled with a possibly intense desire to retaliate for past ambushes or losses, set the stage for the indiscriminate slaughter that followed. My Lai was not just about one tragic day; it was an acute symptom of a more profound malaise affecting the operational ethos of the troops.

On an operational level, the My Lai incident was not just a momentary lapse in judgment—it laid bare deep-seated flaws in the command and control structures of the U.S. military during the Vietnam War. The involvement of close to 20 high-ranking American officers, inclusive of two generals, in the oversight of the massacre, is nothing short of alarming. It raises pertinent questions not only about the operational integrity of U.S. forces but also about the quality of leadership and the moral compass guiding these leaders' decisions. A fundamental duty of leadership is to provide direction, particularly in complex combat situations, and to ensure that subordinates adhere to established codes of conduct. The absence of any intervention after My Lai, let alone a decisive one, suggests a significant breakdown in this chain of responsibility. More troublingly, it points to an operational culture that, at best, was desensitized to violence against civilians, and at worst, was permissive of such grievous human rights abuses. The ripple effects of this tragedy were not just felt on the ground in Vietnam, but also in the corridors of power, leading many to continue to question the principles and policies guiding America's involvement in the war.

The My Lai incident did more than just stain the reputation of the U.S. military; it caused irreparable harm to its strategic objectives in Vietnam. The trust and faith once held by South Vietnamese allies and the civilian population were deeply shaken. Acts like those carried out in the My Lai massacre contradicted the very essence of the “hearts and minds” campaign, an approach that aimed to foster support among the local Vietnamese

⁹⁹ Russell, *War Crimes in Vietnam*.

populace.¹⁰⁰ Instead of building bridges, the U.S. military inadvertently fortified walls of resentment and suspicion. The locals, witnessing such atrocities, inevitably questioned the intent of their supposed “liberators,” leading many to align or sympathize more closely with the Viet Cong. In the intricate dance of counterinsurgency, the support of the civilian population is not just a nice-to-have; it is essential. Civilian cooperation aids in gathering intelligence, ensuring safety in controlled territories, and promoting the larger goals of the campaign. The failure at My Lai, both in action and the strategic recognition of its implications, not only distanced the U.S. from its immediate objectives but also cast a shadow on its overarching mission in Vietnam. The incident became a poignant reminder of how easily military actions can deviate from strategic imperatives, especially when the foundational principles guiding these actions are overlooked or ignored.

The My Lai incident became an indelible blot on the annals of American military history, casting a shadow that went beyond Vietnam’s borders to resonate on the world stage. For many around the globe, the graphic images and harrowing tales from My Lai became emblematic of a superpower that seemingly operated above the law. The implications of this incident were far-reaching, not just because of the act itself, but also because of the ensuing efforts by military and government officials to suppress and distort the truth. The concealment hinted at a systemic issue and implied that such acts could be condoned or brushed under the carpet for the sake of national image. As news broke and details emerged, allies and adversaries alike looked on with a mix of shock, condemnation, and disappointment.¹⁰¹ Nations that once regarded the U.S. as a bastion of democratic values and human rights were compelled to reassess their stance. In diplomatic circles, American representatives found themselves on the back foot, their moral high ground compromised. The My Lai massacre, and the way it was handled, did not just tarnish the

¹⁰⁰ Dennis et al., “Moral Transgression during the Vietnam War”; Summers, *On Strategy*.

¹⁰¹ Amanda Onion et al., “My Lai Massacre: Vietnam War & Colin Powell,” HISTORY, March 30, 2023, <https://www.history.com/topics/vietnam-war/my-lai-massacre-1>; Roger Wertheimer et al., *Empowering Our Military Conscience: Transforming Just War Theory and Military Moral Education* (Farnham, UK: Taylor & Francis Group, 2010), <http://ebookcentral.proquest.com/lib/ebook-nps/detail.action?docID=476447>.

military's image; it impacted the very ethos and credibility of the United States on the international stage, complicating diplomatic relations and alliances for years to come.

Within the United States, the revelations surrounding the My Lai massacre served as a jarring wake-up call, shattering the facade of a righteous war that many had been led to believe in. The graphic details and harrowing stories emanating from the incident gave tangible, horrifying evidence to the suspicions many Americans held about the darker side of the war.¹⁰² College campuses, already hotbeds for anti-war sentiment, saw a surge in activism as students, intellectuals, and ordinary citizens came together, united in their outrage.¹⁰³ The media played a pivotal role, with investigative journalists delving deeper, further amplifying the scale of the incident and the subsequent cover-up.¹⁰⁴ This loss of faith was not limited to just the military; the government's involvement in the obfuscation of the truth made many question the very institutions that were meant to protect democratic values. The side effects of this domestic turmoil were felt in policy-making corridors, as lawmakers grappled with an increasingly vocal and skeptical populace. The My Lai incident and its aftermath, in essence, signaled a potential rift between Americans and the United States government.

The My Lai massacre remains a somber reminder of the devastating consequences when soldiers are ill-prepared to grapple with the complex moral quandaries of warfare. Ideally, this horrifying event should have triggered a revolution in the training of military personnel, emphasizing not only combat readiness but also the moral imperatives and international laws governing warfare. But the lukewarm response post-My Lai and the hesitant steps taken towards systemic change suggested an institution more concerned with protecting its image than genuinely reforming from within.¹⁰⁵ This hesitation has left an indelible mark on the military's ethos. By not embedding a rigorous ethical training program and continuously revisiting the lessons from My Lai, the military risks breeding

¹⁰² Sallah and Weiss, *Tiger Force*.

¹⁰³ Onion et al., "Vietnam War Protests."

¹⁰⁴ Belknap, *The Vietnam War on Trial*.

¹⁰⁵ Anderson, *Facing My Lai*.

a generation of soldiers unequipped to make ethical decisions in the heat of battle. Over time, this gap in training could erode the core values and principles of the military, potentially leading to other lapses in judgment. Furthermore, in an era where global communication means that any misstep can be broadcast worldwide instantly, the importance of maintaining a high moral standard is not just a matter of principle but also one of strategic significance. Without genuine introspection and reform, the specter of My Lai threatens to repeat itself in newer, albeit different, contexts.

As part of the cover-up by the U.S. Army, My Lai was reported as a significant victory against enemy combatants, with the reported number of deaths vastly understating the true number of civilian casualties.¹⁰⁶ It was only when investigative journalists started probing the incident that the truth began to emerge.¹⁰⁷ In the investigations that followed, which included testimony from the helicopter pilot, Warrant Officer Hugh Thompson, only Lieutenant William Calley was found guilty of murder for ordering the shootings.¹⁰⁸ He was initially sentenced to life in prison but had his sentence reduced on appeal. He ended up serving just three and a half years under house arrest.¹⁰⁹ Many felt the trials did not go far enough in prosecuting those responsible or addressing the systemic issues that allowed the massacre to happen.¹¹⁰

In 1970, the Army commissioned a special investigation, which culminated in charges against 14 officers.¹¹¹ The subsequent trials became one of the most significant military justice events of the 20th century. In the most high-profile trial, Lieutenant William Calley, the officer in charge of Charlie Company during the massacre, was court-

¹⁰⁶ Belknap, *The Vietnam War on Trial*; Peers, “The Peers Inquiry of the Massacre at My Lai.”

¹⁰⁷ Peers, “The Peers Inquiry of the Massacre at My Lai.”

¹⁰⁸ Peers.

¹⁰⁹ Peers.

¹¹⁰ Anderson, *Facing My Lai*; BBC News, “The Impact of the My Lai Massacre, 1968 - Reactions to and End of US Involvement in Vietnam,” BBC Bitesize, accessed August 29, 2023, <https://www.bbc.co.uk/bitesize/guides/zkfjjsjg/revision/2>; Nelson, *The War Behind Me*; Russell, *War Crimes in Vietnam*.

¹¹¹ Peers, “The Peers Inquiry of the Massacre at My Lai.”

martialed in November 1970 for his role in the events of My Lai.¹¹² Calley was indicted for the potential murder of 109 Vietnamese civilians, his trial became a focal point for the divisive debate about U.S. involvement in Vietnam. While some saw him as a scapegoat, others believed he was a criminal who needed to face justice.¹¹³ The proceedings were replete with testimonies detailing the harrowing events of the massacre, bringing to light the scale and severity of the atrocities.¹¹⁴

In March 1971, Lieutenant Calley convicted of murder for his role in the My Lai Massacre and was sentenced to life in prison.¹¹⁵ Many felt that justice had not been served and that the military had failed to hold its own accountable.¹¹⁶ On the other hand, some believed that Calley and his men were products of a broader systemic problem in Vietnam and should not bear sole responsibility.¹¹⁷ The trials and their outcomes remain subjects of debate, serving as potent reminders of the challenges of accountability in the fog of war. Just for clarity, here are the initial numbers for those which were accused of a crime, and the final outcome of the trials in terms of convictions:

Accused: Initially, around 26 servicemen were charged with criminal offenses for their actions at My Lai, but only Lieutenant William Calley was convicted.¹¹⁸

Conviction: Lt. William Calley was found guilty of killing 22 villagers and was given a life sentence, but his sentence was reduced on appeal. He served just three and a half years under house arrest.¹¹⁹

As for the entirety of the Vietnam War, it is challenging to provide a precise number of American soldiers accused of war crimes because not every incident was reported,

¹¹² Peers.

¹¹³ Belknap, *The Vietnam War on Trial*.

¹¹⁴ Anderson, *Facing My Lai*; Peers, "The Peers Inquiry of the Massacre at My Lai."

¹¹⁵ Belknap, *The Vietnam War on Trial*.

¹¹⁶ Anderson, *Facing My Lai*; Belknap, *The Vietnam War on Trial*.

¹¹⁷ Belknap, *The Vietnam War on Trial*; Anderson, *Facing My Lai*.

¹¹⁸ Peers, "The Peers Inquiry of the Massacre at My Lai."

¹¹⁹ Peers.

investigated, or publicized.¹²⁰ Numerous allegations arose from various sources, including media reports, testimonials from veterans, and investigations by the U.S. military.¹²¹ Nevertheless, it is essential to note that while there were indeed instances of misconduct and violations of the laws of war, most U.S. service members served honorably and did not engage in such actions.¹²² The war's contentious nature and its portrayal in the media have contributed to a broader public discourse about the conduct of U.S. forces during the conflict.

D. LESSONS FORGOTTEN

The My Lai Massacre is as complex as it is heinous, and truly understanding what exactly led to this tragic event and how it could have been avoided might be an impossible task. The My Lai Massacre was not a standalone moment and has to be understood in the context of the Vietnam War as a whole, and its future complicates the perspective which the massacre needs to be viewed through. The Vietnam War can be summed up by the statement that “The war in Vietnam has involved Americans in a malignant spiral of self-deception, brutalization, and numbing.”¹²³ And while there are some lessons and underlying issues that can be identified, all of this introspection and investigation means nothing if the United States military does not take actions to learn these lessons and begin to correct the underlying issues.

The aftermath of the My Lai massacre could be viewed as a critical juncture for the U.S. military establishment. It was a moment that should have beckoned introspection, reform, and a commitment to uphold the core values that underpin any credible military force. However, the military's lackluster response and the tepid measures taken in the name of accountability seems to have revealed a deeper, systemic issue. By not holding

¹²⁰ Levesque et al., “Not Just Following Orders: Avoiding and Reporting Atrocities During the Vietnam War.”

¹²¹ Stitt, “The Soldier's Dilemma.”

¹²² Kulik, Zinoman, and Turse, “Misrepresenting Atrocities: Kill Anything That Moves and the Continuing Distortions of the War in Vietnam.”

¹²³ Erwin Knoll and Judith Nies McFadden, eds., *War Crimes and the American Conscience*, Holt Paperback 4 (New York, NY: Holt, Rinehart & Winston, 1970), 104.

individuals at all levels of command responsible for their actions or inactions, the military missed an essential chance to send a clear message about the impermissibility of such conduct. Moreover, the failure to implement sweeping institutional reforms meant that the root causes—be it flawed training protocols, unclear rules of engagement, or a toxic command culture—were never adequately addressed. The reluctance to deeply analyze and learn from this dark chapter had broader implications. It risked setting the precedent that misconduct could go unpunished and lessons could remain unlearned. Such a culture not only undermines the morale and integrity of the troops but can also lead to repeated errors in judgment and strategy in different theaters of operation, thereby jeopardizing the very missions and objectives the military seeks to achieve.

The Vietnam War proved to be a nearly impossible test for the American military to pass, both tactically and ethically, but the military's true failure is that it was unable or unwilling to make drastic changes to both its structure and culture to ensure that future war crimes could be reported and punished. The average American soldier was not prepared for the ethical and moral challenges they would face in the jungles of Vietnam, let alone the tactical nightmare they would be dropped into. Both enlisted members and officers needed robust ethical training, which was not just a footnote, but the lynchpin which all non-tactical training should have been centered around. Not only did they not receive this training, but truncated training timelines due to a rapid increase in troop requirements in Vietnam led to soldiers with significant gaps in essential training. Also, because the military needed a massive influx of fresh bodies, instructors were encouraged to look past potential individual shortcomings in personal moral fiber. Vietnam was a conflict the American military was ill-prepared to fight with soldiers who were rushed through training and then dropped into a hostile environment. This would not be the last time the United States found itself in a conflict with the same qualities, and it would seem that it did not take the actions that it should have in order to correct the issues which the Vietnam War exposed. The My Lai incident should have been a watershed moment for transformative change; instead, the lack of a robust response only underscored the need for such change.

III. CONFLICTS IN IRAQ

A. CONTEXTUALIZING CONFLICT IN IRAQ: ECHOES OF VIETNAM

To understand the Highway of Death and the Eddie Gallagher incident, one must first understand the conflicts in Iraq and its similarities to the Vietnam War. Both the Iraq War (2003–2011) and the Vietnam War (1955–1975) are pivotal events in the annals of U.S. military history—wars in which the American military fought an enemy that was not organized like a modern military force. Initiated under differing pretexts—ideological containment in Vietnam and the presence of weapons of mass destruction in Iraq—both wars saw the U.S. engage in prolonged conflicts fraught with controversy and marked by public dissent. The overarching objectives—stemming the spread of communism in Vietnam and fostering democracy in Iraq—met with significant challenges on the ground which unfortunately seem to have shared many similarities.

The battleground environments in both wars were complex, breeding distrust and testing soldier morale. Vietnam’s thick jungles concealed an enemy skilled in guerrilla warfare, blurring the lines between ally and adversary.¹²⁴ Iraq presented its own urban challenges, with insurgents mingling indistinguishably among civilians, resulting in heightened tensions and unintended civilian casualties.¹²⁵ Iraq’s intricacies, accentuated by extended deployments, taxed soldiers psychologically, reminiscent of the challenges soldiers faced during Vietnam. The American military, while still trying to adapt the hard lessons it had learned in Vietnam, was still ill-prepared and -equipped to fight the unconventional war it was forced to wage in Iraq.

Both wars witnessed their fair share of controversies, including allegations of war crimes. The My Lai Massacre, in which U.S. military personnel executed hundreds of Vietnamese civilians, remains a haunting episode in the Vietnam War; however, there were other alleged war crimes that American servicemembers committed during Vietnam that

¹²⁴ Turse, *Kill Anything That Moves*.

¹²⁵ John Spencer Geroux Jayson, “Urban Warfare Case Study #6: First Battle of Fallujah,” Modern War Institute, October 28, 2022, <https://mwi.westpoint.edu/urban-warfare-case-study-6-first-battle-of-fallujah/>.

did not gain media attention.¹²⁶ Iraq, while a different war, had instances where the lines of ethical warfare were crossed, such as the taking of human trophies and excessive civilian casualties.¹²⁷ The military's reactions to these episodes, often viewed as being protective of their personnel, contributed to deepening public mistrust, compounded by the time lag between an incident occurring and the alleged party responsible being brought to trial.¹²⁸ These events were exposed by the media, but the media has always been instrumental in molding public perception. In Vietnam, images of war broadcasted into homes engendered skepticism and protest. Conflicts in Iraq, fueled by the digital age, experienced similar scrutiny from media coverage. Events like the Abu Ghraib scandal, with soldiers mistreating Iraqi detainees, not only spread virally but also drew unavoidable comparisons to the My Lai Massacre.

Although each conflict had distinct operational challenges, Vietnam and Iraq were very similar theaters of war in terms of the complexity of enemies that U.S. forces faced. Vietnam's conflict was largely against a structured foe in the North Vietnamese Army, supplemented by guerrilla Viet Cong forces.¹²⁹ Iraq's war landscape was a quagmire of sectarian conflict; U.S. forces found themselves mediating between rival Iraqi groups while simultaneously confronting jihadist factions.¹³⁰ These multi-dimensional conflicts demanded evolved tactics, occasionally leading to operational errors, confusing orders and conflicting reporting. All of these factors led to conflicts that shared a thick fog of war within which ethical failings could easily be misattributed or covered up entirely.

Civilian interactions added another layer of complexity to these wars, both in theater and at home, for American servicemembers. In Vietnam, U.S. troops grappled with deciphering village loyalties, leading to tragic misjudgments stemming from the idea that

¹²⁶ Anderson, *Facing My Lai*.

¹²⁷ Reuters, "Sadly, Human Trophies Are as Old as War Itself."

¹²⁸ Decker and Paul, "The Real Terrorist Was Me: An Analysis of Narratives Told by Iraq Veterans Against the War in an Effort to Rehumanize Iraqi Civilians and Soldiers."

¹²⁹ Sallah and Weiss, *Tiger Force*.

¹³⁰ Geroux, "Urban Warfare Case Study #6."

every Vietnam hamlet secretly housed enemy combatants.¹³¹ In Iraq, an unfamiliar cultural and religious landscape posed challenges and misunderstandings between the American forces and native civilians.¹³² These misunderstandings, often stemming from cultural ignorance, aggravated tensions and at times resulted in unnecessary conflict between American forces and native Iraq citizens.

Adding to these issues, the domestic reactions to both wars were fervent and transformative. The Vietnam War, with its draft system, spawned massive protests and became a defining issue of its era.¹³³ Iraq, with its all-volunteer force, ignited heated debates about the war's legitimacy after its justification, weapons of mass destruction, came under fire.¹³⁴ Politically, both conflicts impacted consecutive administrations, influencing election campaigns and policy decisions.

Wars inevitably exert pressures on national economies, which can lead to gaps in necessary military non-combat assistance. Both the Vietnam and Iraq wars saw vast amounts of resources being diverted to sustain prolonged military campaigns. Vietnam contributed to the abandonment of the gold standard and economic stagflation; the Iraq War contributed to ballooning deficits.¹³⁵ These economic repercussions influenced public opinion, adding another dimension to the debates surrounding the wars, and in many ways pushed disgruntled citizens to become more outspoken against these conflicts. Compounding the economic issues were medical concerns. Diagnoses of Post-Traumatic Stress Disorder (PTSD) emerged prominently post-Vietnam, with many veterans

¹³¹ Nelson, *The War Behind Me*.

¹³² Kenneth Pollack, "The Seven Deadly Sins of Failure in Iraq: A Retrospective Analysis of the Reconstruction," Brookings, December 1, 2006, <https://www.brookings.edu/articles/the-seven-deadly-sins-of-failure-in-iraq-a-retrospective-analysis-of-the-reconstruction/>.

¹³³ Onion et al., "Vietnam War Protests."

¹³⁴ Patrick Barkham, "Iraq War 10 Years on: Mass Protest That Defined a Generation," *The Guardian*, February 15, 2013, <https://www.theguardian.com/world/2013/feb/15/iraq-war-mass-protest>.

¹³⁵ Kimberly Amando, "US Inflation Rate by Year: 1929-2023," The Balance, March 31, 2023, <https://www.thebalancemoney.com/u-s-inflation-rate-history-by-year-and-forecast-3306093>; Jr, "What Vietnam Did to the American Economy."

struggling to reintegrate into society.¹³⁶ Iraq veterans, facing intense urban warfare and multiple deployments, confronted similar psychological traumas. The U.S. healthcare system, though better equipped in the 2000s than in the 1960s and '70s, still grappled with the challenge of adequately addressing the mental health needs of returning servicemen and women.¹³⁷

The Iraq war, due to all of these similarities with the Vietnam War, devolved similarly into a horrific “meat grinder” which the average U.S. service member was forced to navigate, both physically and morally, in order to survive, both body and soul. However, no matter how horrific the conditions of war, and no matter how underprepared a soldier is mentally to deal with those horrors, ethical failings should not be normalized; the Iraq war, with all of its correlation to the Vietnam War, was the backdrop to another very publicized incident that brought the ability for the military complex to not just train combat servicemembers to handle questions of morality in conflict but also to weed out those “bad apples” who no longer operated ethically.

B. THE HIGHWAY OF DEATH

On February 26–27, 1991, during the Gulf War, a series of devastating airstrikes and ground attacks by American-led coalition forces struck a retreating convoy of Iraqi military personnel and some civilians.¹³⁸ This onslaught, which took place on the roads leading from Kuwait City to Basra in Iraq, has since been termed the “Highway of Death.”¹³⁹ Images from the aftermath displayed a haunting stretch of road littered with

¹³⁶ Matthew PHD Tull, “The Long-Term Impact of PTSD in Vietnam War Veterans,” Verywell Mind, July 8, 2021, <https://www.verywellmind.com/ptsd-from-the-vietnam-war-2797449>.

¹³⁷ U.S. Department of Veterans Affairs, “Study Finds Ongoing Mental Health Concerns for Vietnam Veterans,” March 17, 2022, <https://www.research.va.gov/currents/0322-Study-finds-ongoing-mental-health-concerns-for-Vietnam-Veterans.cfm>.

¹³⁸ Steve Coll and William Branigin, “U.S. Scrambled to Shape View of ‘Highway of Death,’” *Washington Post*, March 11, 1991, <https://www.washingtonpost.com/archive/politics/1991/03/11/us-scrambled-to-shape-view-of-highway-of-death/05899d9a-f304-441d-8078-59812cdacc5c/>.

¹³⁹ Coll and Branigin; Torie Rose DeGhett, “The War Photo No One Would Publish,” *The Atlantic*, August 8, 2014, <https://www.theatlantic.com/international/archive/2014/08/the-war-photo-no-one-would-publish/375762/>.

burned-out vehicles and bodies, showcasing the sheer scale and intensity of the attack.¹⁴⁰ Initial reports suggested that thousands might have died, although exact figures have always been difficult to determine.¹⁴¹ It was evident, however, that many of the casualties were retreating soldiers.

The Highway of Death incident stirred international outcry as graphic images of charred vehicles and bodies spread across global media, leading to considerable criticism of what many perceived as a disproportionate use of force.¹⁴² Some international observers and critics argued that the attacks breached the principles of the laws of war, specifically proportionality and distinction.¹⁴³ The retreating forces, they argued, no longer represented an imminent threat, which raised questions about the necessity and scale of the onslaught.¹⁴⁴

From the military's perspective, the situation was complex and driven by a confluence of strategic, operational, and intelligence factors. At the heart of the military decision-making was the perceived threat the retreating convoy posed.¹⁴⁵ The U.S. command had intelligence suggesting that Iraqi forces were not merely retreating but possibly regrouping to mount a counter-offensive.¹⁴⁶ The coalition's goal had been to decisively cripple Saddam Hussein's ability to wage war, and allowing a large formation of his forces to escape intact would counteract that objective. Furthermore, there was the matter of operational momentum, as the coalition forces, having gained considerable ground and advantage, sought to capitalize on their momentum and ensure a swift end to

¹⁴⁰ DeGhett, "The War Photo No One Would Publish."

¹⁴¹ Hersh, *Chain of Command*.

¹⁴² Coll and Branigin, "U.S. Scrambled to Shape View of 'Highway of Death'"; DeGhett, "The War Photo No One Would Publish"; The New Yorker, "Overwhelming Force: What Happened in the Final Days of the Gulf War?," FRB-I, May 22, 2000, <http://www.frbu.com/4/post/2018/03/overwhelming-force-what-happened-in-the-final-days-of-the-gulf-war.html>.

¹⁴³ Hersh, *Chain of Command*; DeGhett, "The War Photo No One Would Publish."

¹⁴⁴ DeGhett, "The War Photo No One Would Publish."

¹⁴⁵ McCaffrey, "A General's View of Iraq."

¹⁴⁶ McCaffrey; Hersh, *Chain of Command*.

hostilities.¹⁴⁷ The rapid and intense nature of the operation was seen by some military strategists as a means to expedite the end of the war, thereby minimizing further casualties in the long run.

However, beyond the tactical and strategic rationale, the incident became a significant lesson in the importance of perception in modern warfare. In an age of global media, the visual impact of the Highway of Death resonated powerfully, shaping public opinions and political narratives.¹⁴⁸ It underlined the significance of considering not just the immediate military implications of an action, but also its broader socio-political ramifications. In retrospect, while the military decisions leading to the Highway of Death can be contextualized within the broader scope of the Gulf War's objectives, it serves as a stark reminder of the complexities and challenges of warfare, especially under global scrutiny, and how legal orders can sometimes be potentially unethical.

C. BOMBING AFTER CEASEFIRE

In the immediate aftermath of the Gulf War's ceasefire in March 1991, a controversial incident took place involving U.S. forces under the command of then Brigadier General Barry McCaffrey.¹⁴⁹ An Iraqi Republican Guard brigade, appearing to be in a state of retreat or disarray following the war, was subjected to a prolonged artillery barrage and attack by U.S. forces near the town of Rumaila.¹⁵⁰ Reports suggested that the Iraqi forces were attempting to comply with ceasefire conditions, moving northwards without displaying hostile intent.¹⁵¹ Yet, they faced overwhelming firepower, resulting in significant casualties.¹⁵² While the exact number of casualties remains unclear, it is believed that hundreds of Iraqi soldiers might have died during this attack.

¹⁴⁷ McCaffrey, "A General's View of Iraq."

¹⁴⁸ DeGhett, "The War Photo No One Would Publish"; Coll and Branigin, "U.S. Scrambled to Shape View of 'Highway of Death'"; Noor-ul-Ain Khawaja, "Human Rights Violations Under US Occupation in Iraq: An Analysis," *Pakistan Horizon* 65, no. 3 (2012): 59–83.

¹⁴⁹ McCaffrey, "A General's View of Iraq."

¹⁵⁰ Hersh, *Chain of Command*.

¹⁵¹ The New Yorker, "OVERWHELMING FORCE"; Hersh, *Chain of Command*.

¹⁵² Hersh, *Chain of Command*.

The incident, as reported, drew widespread criticism, particularly given its timing after the ceasefire. The narrative that emerged portrayed it as an unnecessary and aggressive action against already defeated and retreating forces.¹⁵³ Critics claimed it was a disproportionate use of force and raised ethical concerns about targeting a non-hostile, retreating unit, especially in the context of a ceasefire.¹⁵⁴ General McCaffrey's defense of the action revolved around the principles of self-defense and the unpredictable nature of war.¹⁵⁵ He maintained that the Iraqi unit showed signs of hostile intent, with some reports suggesting that they had fired first.¹⁵⁶ Given the experiences of the war, in which Iraqi units had previously feigned retreats or surrenders only to launch surprise attacks, the decision was framed as a protective measure to ensure the safety of U.S. troops.¹⁵⁷ The general's stance was that his primary responsibility was to the safety of his men and that he took the necessary actions to neutralize a potential threat.

However, the incident, much like the 'Highway of Death', underscores the critical challenges faced by military commanders in the heat of battle, especially when decisions must be made quickly amidst a fog of war. The incident raises pertinent questions about clear rules of engagement in a rapidly evolving battlefield scenario and the broader ethical considerations when dealing with potentially defeated adversaries. It also accentuates the effects of media and public perception on military actions. In an era when media scrutiny can instantaneously cast judgment, the incident serves as a reminder of the balance commanders must strike between tactical decisions on the ground and the strategic ramifications of those choices in the court of public opinion. As modern warfare continues to evolve, incidents like the one involving General McCaffrey emphasize the intricate weave of ethics, strategy, and perception.

¹⁵³ The New Yorker, "OVERWHELMING FORCE"; Hersh, *Chain of Command*.

¹⁵⁴ Hersh, *Chain of Command*.

¹⁵⁵ McCaffrey, "A General's View of Iraq."

¹⁵⁶ McCaffrey.

¹⁵⁷ McCaffrey.

D. FINE LINE OF ETHICS AND LEGALITY

Conflicts in Iraq was marked by a series of controversies surrounding the ethical conduct of U.S. forces, even when actions might have adhered to the letter of the law. The conflict's controversial initiation, based on the purported existence of weapons of mass destruction (WMDs) that were never found, set the stage for further debates on the morality of the subsequent occupation and actions taken during the conflict. Both the 'Highway of Death' and the Bombing of Iraqi forces after the ceasefire are examples of military actions that are both legally acceptable and morally grey.

Behind many of these incidents, a broader institutional issue emerged. The U.S. military, during the Iraq War, often seemed to prioritize tactical gains or short-term security over longer-term strategic interests and the broader hearts and minds campaign. This, in turn, can be traced back to training, doctrine, and leadership.¹⁵⁸ The push for rapid results, combined with a sometimes-dehumanizing view of the enemy, may have set the stage for actions that, while potentially legal, were problematic from an ethical standpoint.¹⁵⁹ High-level military decision makers, who may be very detached from combat, seem to be more focused on making decisions based on what they are allowed to do legally, rather than what they should do ethically.

Conflicts in Iraq, exemplified by the Highway of Death, brought to the fore the complexities of modern conflict, wherein the delineation between legal and ethical is not always clear-cut. Even if actions meet the letter of the law, they can still be morally questionable and have negative strategic ramifications. The events of the war highlight the importance of robust moral and ethical training within the military institution, ensuring that legality and ethics work hand in hand on the battlefield.

The conflicts in Iraq, particularly in incidents such as the Highway of Death, showcased the intricacies inherent in contemporary warfare. As military operations become more sophisticated and technology-driven, the boundary between what is considered legal and what is deemed ethical may become increasingly blurred. The Highway of Death,

¹⁵⁸ Khawaja, "Human Rights Violations Under US Occupation in Iraq"; Hersh, *Chain of Command*.

¹⁵⁹ Hersh, *Chain of Command*.

where fleeing Iraqi forces were decimated, serve as a representation of this conundrum. While the military actions taken during this operation might have been justifiable under the rules of engagement and international law, the sheer scale of destruction and the targeting of retreating forces raised ethical questions. Such actions, even if technically permissible, can lead to far-reaching strategic consequences, potentially eroding the international community's trust and fueling adversarial propaganda. Moreover, these morally ambiguous situations underline the necessity for military personnel to be not only well-versed in the legal parameters of warfare but also deeply grounded in ethical decision-making. Without this dual emphasis, there is a risk that the pursuit of a tactical advantage might overshadow the broader, long-term objectives of peace, regional stability, and the preservation of human dignity. The conflicts in Iraq serves as a potent reminder that in the heat of battle, soldiers, commanders, and policymakers must ensure that legal compliance and ethical considerations remain intertwined, guiding actions and strategies.

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IV. THE EDDIE GALLAGHER INCIDENT: CONTEXT, INCIDENT, AND FALLOUT

The Eddie Gallagher Incident as a case study which underlines the importance of individual oversight in a warzone and the difficulty that the U.S. military still has with issues of ethical conduct in conflict. This chapter starts by covering a brief comparison of the Iraq and Vietnam war to add context and highlight the similarities between the two conflicts. The second part will discuss the Eddie Gallagher Incident, both the actions leading up to and the trail itself. The third part will be an examination of the aftermath of the incident and the issues that were raised and unanswered. The last part will be a quick discussion of the takeaways which I took from this case study.

A. THE EDDIE GALLAGHER INCIDENT: ANATOMY OF A CONTROVERSY

Edward “Eddie” Gallagher, a decorated Navy SEAL, emerged at the heart of a heated controversy surrounding his deployment in Iraq, a controversy which garnered a huge amount of news coverage. Allegations of war crimes, specifically the murder of a captured ISIS fighter and Gallagher’s posing with that body for a picture, brought Gallagher into the media spotlight. The charges against him and his subsequent trial evoked strong reactions, both from within the military community and among the general public, resonating with prior war-related controversies in American history.

Edward “Eddie” Gallagher, a Chief Petty Officer in the U.S. Navy SEALs, found himself at the center of a high-profile military trial in 2019.¹⁶⁰ He was accused of several war crimes, most notably the killing of a captured ISIS fighter in 2017 during his deployment in Mosul, Iraq.¹⁶¹ Fellow SEALs, who served alongside Gallagher, brought

¹⁶⁰ Philipps, *Alpha*.

¹⁶¹ U.S. Naval Criminal Investigative Service, “Report of Investigation: 06APR18-SWND-0206-7HNA” (Resident Agency San Diego, 05 NOV 18).

forward these allegations, accusing him of various serious violations of the laws of armed conflict.¹⁶²

1. Premeditated murder of an injured ISIS detainee.
2. Attempted murder for alleged sniper activity where he was said to have targeted non-combatant civilians.
3. Posing for a photograph with the corpse of the ISIS fighter.
4. Obstruction of justice for alleged attempts to intimidate fellow SEALs and prevent them from reporting his actions.
5. Other associated charges including wrongfully using a controlled substance.

The trial drew significant media attention due to the nature of the allegations, the elite stature of the Navy SEALs, and Gallagher's vehement denial of the charges.¹⁶³ Several key events stood out during the proceedings: A major twist occurred when a key prosecution witness, a medic, testified that he, and not Gallagher, had caused the ISIS detainee's death by closing off his breathing tube—a confession that surprised many.¹⁶⁴ Concerns were raised over the prosecution's conduct when they were accused of embedding tracking software in emails to trace leaks to the media.¹⁶⁵ As a result, the presiding judge released Gallagher from pre-trial confinement and reduced potential sentencing in the event of a guilty verdict, citing interference with his right to a fair trial.¹⁶⁶

¹⁶² U.S. Naval Criminal Investigative Service; Philipps, *Alpha*; Navy Times Staff, "What Motivated Fellow SEALs to Dime out Eddie Gallagher?"

¹⁶³ Stephen Losey, "Eddie Gallagher Vs. the World: After War Crimes Trial, Notorious SEAL Is Out to Settle Scores," *Military.com*, June 28, 2021, <https://www.military.com/daily-news/2021/06/26/eddie-gallagher-vs-world-after-war-crimes-trial-notorious-seal-out-settle-scores.html>.

¹⁶⁴ Philipps, *Alpha*.

¹⁶⁵ Losey, "Eddie Gallagher Vs. the World"; Philipps, *Alpha*; Carl Prine, "SEAL War Crimes Suspect Not Guilty on Murder Charge," *Navy Times*, July 3, 2019, <https://www.navytimes.com/news/your-navy/2019/07/02/seal-war-crimes-suspect-not-guilty-on-murder-charge/>.

¹⁶⁶ Philipps, *Alpha*; Elizabeth Lawrence, "'Corrupt Navy Prosecutor' Who Spied on Attorneys, Media Joins Law Firm, Ret. Navy SEAL Eddie Gallagher Warns," *American Military News* (blog), August 16, 2023, <https://americanmilitarynews.com/2023/08/corrupt-navy-prosecutor-who-spied-on-attorneys-media-joins-law-firm-ret-navy-seal-eddie-gallagher-warns/>.

Gallagher was acquitted of all the major charges, including the premeditated murder of the ISIS detainee and attempted murder of civilians.¹⁶⁷ However, he was found guilty of posing for a photograph with the corpse of the ISIS fighter, a charge for which he was demoted.¹⁶⁸ The trial surrounding Eddie Gallagher was marred by unexpected testimonies and alleged misconduct on the part of the prosecution.¹⁶⁹ While he was cleared of the most severe allegations, his conviction for posing with a corpse and subsequent demotion became a focal point of discussions regarding military ethics and the conduct of elite forces in combat zones.

Gallagher's distinguished military career spans nearly two decades and is marked by commendations and medals for bravery. His tenure as a SEAL was characterized by multiple deployments in combat zones, during which he demonstrated a profound commitment to service. This commendable history added layers of complexity to the controversy when the allegations emerged, prompting some to juxtapose his accolades against the gravity of the charges. Also, a question arose about how deserving Gallagher was of some of his medals—for example, the Silver Star that he was supposed to be awarded for his most recent deployment was called into question.¹⁷⁰ One member of Gallagher's team, who was deployed to Iraq with him, was reported to have said that "Half the things in the award had never happened...and the other half are things other guys did."¹⁷¹ So if his Silver Star, a distinguished military medal given for "gallantry in action while engaged in action against an enemy of the United States" was going to be awarded

¹⁶⁷ Philipps, *Alpha*; Prine, "SEAL War Crimes Suspect Not Guilty on Murder Charge."

¹⁶⁸ Losey, "Eddie Gallagher Vs. the World"; Luis Martinez and Elizabeth McLaughlin, "Trump Issues Pardons for 3 Service Members Accused of War Crimes," ABC News, November 16, 2019, <https://abcnews.go.com/Politics/trump-issues-pardons-service-members-accused-war-crimes/story?id=67055490>; Philipps, *Alpha*.

¹⁶⁹ Lawrence, "'Corrupt Navy Prosecutor' Who Spied on Attorneys, Media Joins Law Firm, Ret. Navy SEAL Eddie Gallagher Warns."

¹⁷⁰ Vriens, "'My Only Regret Is Not Doing More' — Why I Reported Eddie Gallagher for War Crimes."

¹⁷¹ Philipps, *Alpha*, 204.

due to false and incomplete information, how many awards, both Gallagher's and other service members', are potentially tainted?¹⁷²

Central to the controversy was the treatment of a captured teenage ISIS fighter and reports suggest Gallagher stabbed the detainee without provocation while providing medical treatment. This act was coupled with the unsettling act of posing beside the deceased, a grim display captured on camera. Further accusations extended to instances of sniper activity, wherein he allegedly targeted civilians. All of this was summarized by one of his Alpha Platoon comrades, who accused Gallagher of "random sniper shots, a girl and an old man shot, and a prisoner executed with a hunting knife."¹⁷³ These claims, stemming from fellow SEAL team members, compounded the gravity of the situation. Those SEAL members struggled to get someone within Gallagher's chain of command to take these accusations seriously, and it took multiple attempts to get NCIS involved in the investigation.¹⁷⁴

The initial Naval Criminal Investigation Service (NCIS) investigation into the allegations by those within Alpha Platoon led to NCIS discovering three main events. The NCIS report of investigation details its findings:

Digital images of the alleged victim both alive and responsive and later appearing to be deceased were recovered from a laptop identified as being utilized by various platoon members during the deployment. Multiple interviews resulted in identification of several eye witnesses to the event and corroborated initial reporting. Further, throughout the course of the interviews, two additional incidents which appear to involve the deliberate injury via gunshot to non-combatant, civilian local Iraqi nationals, were identified.¹⁷⁵

¹⁷² U.S. Department of Defense, "Description of Awards - U.S. Military Awards for Valor - Top 3," accessed August 18, 2023, <https://valor.defense.gov/description-of-awards/>.

¹⁷³ Philipps, *Alpha*, 204.

¹⁷⁴ Philipps, *Alpha*; U.S. Naval Criminal Investigative Service, "Report of Investigation: 06APR18-SWND-0206-7HNA"; Vriens, "'My Only Regret Is Not Doing More' — Why I Reported Eddie Gallagher for War Crimes."

¹⁷⁵ U.S. Naval Criminal Investigative Service, "Report of Investigation: 06APR18-SWND-0206-7HNA."

It seemed that the events that Gallagher's fellow Alpha Platoon members recalled were worth investigating further and pointed to potential organizational problems within the Navy. If the Navy, through the actions of middle to high-ranking officers, sought to at best brush aside and at worst cover up the actions of one unethical SEAL, how many other morally compromised and highly trained soldiers did America have fighting in Iraq?

What led to this decorated SEAL having such a significant lapse in ethical behavior, if he acted in the ways he was accused of? Gallagher had proceeded in a way that would lead one of his comrades to state that "Eddie had sworn an oath to uphold the Constitution over the body of a man he had murdered."¹⁷⁶ The first step to understanding Gallagher's actions requires delving into the psychological tolls of warfare. The strain of extended deployments, the specter of PTSD, and the high-intensity nature of combat zones might compromise judgment.¹⁷⁷ Gallagher's actions, whether resulting from combat fatigue or other psychological factors, reflect the broader issue of soldier welfare and the demanding nature of repeated deployments in hostile environments. But there was more to Gallagher's actions than just PTSD or strain of deployments to warzones—there was an underlying issue with Gallagher's mentality and even potentially the Navy's assessment of his combat effectiveness.

One of the harder-to-understand but nevertheless important factors in what led to Gallagher's actions in Iraq is how Gallagher viewed his own actions. While it is impossible to truly dive into the mind of another, Gallagher's response to a question while he was being detained may offer insight. Asked why he was being detained following the allegations that were made against him, he reportedly answered, "[for] Killing ISIS?"¹⁷⁸ While this blurb might have been given in an offhand way, if it represented the true feelings of Gallagher, it would point to two disturbing facts. The first is that in his mind, it would seem that the ends always justify the means, and that he saw everyone that he either killed

¹⁷⁶ Philipps, *Alpha*, 202.

¹⁷⁷ Don Carrick, James Connelly, and David Whetham, eds., *Making the Military Moral: Contemporary Challenges and Responses in Military Ethics Education* (London: Routledge, 2017), <https://doi.org/10.4324/9781315593388>.

¹⁷⁸ Philipps, *Alpha*, xxvii.

or put into harm's way as ISIS, even if they were a young child or an old person. The second is that every action that he took while in Iraq revolved around the killing of others, and not the various strategic outcomes that the United States military was attempting to achieve in that conflict.

Another cultural issue that this incident has brought to light is the potential lack of oversight for special operators in combat situations. Special Warfare Operator 1st Class Dille's thoughts about what occurred while deployed with Gallagher, were characterized as such:

It wasn't just that Eddie had tainted everything he admired about the SEALs. It was something more fundamental. In Mosul, Dille had been given the freedom to kill and the responsibility to decide who lived and died. It didn't take him long to realize that he wasn't worthy of that kind of godlike authority. He couldn't ever quite shake the nagging belief that whatever mix of problems created ISIS, it was foolish to think anyone could kill their way out of them.¹⁷⁹

This shocking implication underlines a key problem point for special operators, who, should they start to drift away from ethical behavior, have no true oversight to put them back on the correct path before they are able to commit heinous acts.

Media attention surrounding Gallagher's trial was intense, with both sides of the American political spectrum seeking to use the events surrounding the trial as a way to pursue their own agendas. Polarizing narratives emerged. Some viewed Gallagher as a scapegoat, unfairly targeted for actions in a complex war environment, with one politician, Representative Duncan Hunter, stating that Gallagher's actions were commonplace, if not morally grey, amongst special operation units.¹⁸⁰ Others, however, saw the incident as a reflection of deeper systemic issues within elite military units, such as an emphasis on body counts as a metric for success and a general lack of oversight in terms of what and when

¹⁷⁹ Philipps, 199.

¹⁸⁰ Ken Stone, "Rep. Hunter on War-Crimes Suspect Gallagher: I'm Guilty of Same 'Bad Thing,'" Times of San Diego, May 26, 2019, <https://timesofsandiego.com/military/2019/05/25/rep-hunter-on-war-crimes-suspect-gallagher-im-guilty-of-same-bad-thing/>.

special forces teams would engage.¹⁸¹ The media's role in shaping these perceptions cannot be overstated, drawing parallels with historical military controversies. Along the same lines of the spectacularizing of the incident, Gallagher's trial was punctuated by dramatic turns. A key prosecution witness, during his testimony, confessed to causing the ISIS fighter's death, claiming he asphyxiated the prisoner to spare him from future torture by Iraqi forces.¹⁸² This unexpected twist amplified debates on battlefield ethics, the line between mercy and murder, and the complex decisions soldiers face in war zones.

Representative Duncan Hunter was not the only high-profile person to give their personal opinion of the trial, as Gallagher's case garnered significant attention from political figures, including President Donald Trump. President Trump ordered the military to reinstate the rank of Chief Petty Officer, which Gallagher had lost due his being found guilty of posing with a dead body. In his statement, the president mentioned that while he had faith in the military judicial system, the President has the ability to show mercy to those they deem deserving.¹⁸³ The President's public support for Gallagher and subsequent intervention in his demotion added another layer of complexity to the narrative, and continued to politicize the trial, which was supposed to be not just about justice and the truth, but also about helping to expose the failings of military training. This political involvement, while indicative of the case's national significance, also raised questions about the appropriate boundaries between political leadership and military justice.

B. AFTERMATH AND BROADER IMPLICATIONS OF THE GALLAGHER INCIDENT

While the trial did conclude with little to no personal punishment for Gallagher, the aftermath of the trial did shed some light on some broader issues that both the military and media generally were hesitant to address. The Eddie Gallagher Incident can be described

¹⁸¹ Dave Davies, "Journalist: Eddie Gallagher Case Reveals A 'War For The Soul Of The Navy SEALs,'" *NPR*, August 24, 2021, <https://www.npr.org/2021/08/24/1030600036/journalist-eddie-gallagher-case-reveals-a-war-for-the-soul-of-the-navy-seals>.

¹⁸² Philipps, *Alpha*; Navy Times Staff, "What Motivated Fellow SEALs to Dime out Eddie Gallagher?"

¹⁸³ Martinez and McLaughlin, "Trump Issues Pardons for 3 Service Members Accused of War Crimes."

as “a situation that, if not nearly as horrific as My Lai, had managed to exploit all the same weaknesses in the military.¹⁸⁴ While this incident focused on the actions of one man, it exposed issues of ethics training and the military’s habit to overlook and even rewarding morally grey actions in combat zones. The aftermath of this incident also brought many other smaller, but still important, issues in both the military and in the politicization of combat veterans. Only by evaluating and understanding the unresolved issues in the military that the Eddie Gallagher Incident brought forward can the military start to develop and employ potential solutions to better prevent ethical breakdown in soldiers that led to war crimes.

In the wake of the trial, Gallagher was acquitted of many of the charges against him, including the murder of the ISIS fighter. However, he was convicted on a lesser charge of posing with the corpse, leading to a demotion.¹⁸⁵ This mixed outcome underscored the complexities surrounding the case, with some viewing it as a partial exoneration and others as evidence of systemic leniency. Again, complicating the issue of proportionality, Gallagher’s punishment for the one count he was found guilty of was the maximum that it could be by law, which the biggest outcome is that Gallagher was to be reduced in rank.¹⁸⁶ This is a significant result, because Gallagher would have been demoted from being a Chief Petty Officer which is one of if not the most significant career milestone that an enlisted navy servicemember can achieve. The narrative took another twist when President Donald Trump intervened, restoring Gallagher’s rank, and later ensuring he retained his Navy SEAL pin.¹⁸⁷ This intervention sparked debates about the boundaries of executive power in military justice as well as how political the entire incident had become. Critics argued it could undermine the military justice system’s integrity, while supporters saw it as a rightful correction to perceived overreach.¹⁸⁸ Still, these unanswered questions about the

¹⁸⁴ Philipps, *Alpha*, 214.

¹⁸⁵ Philipps, *Alpha*.

¹⁸⁶ Navy Times Staff, “What Motivated Fellow SEALs to Dime out Eddie Gallagher?”

¹⁸⁷ Martinez and McLaughlin, “Trump Issues Pardons for 3 Service Members Accused of War Crimes.”

¹⁸⁸ Martinez and McLaughlin; Navy Times Staff, “What Motivated Fellow SEALs to Dime out Eddie Gallagher?”; Stone, “Rep. Hunter on War-Crimes Suspect Gallagher.”

intersection of military justice and political power brought up issues surrounding military discipline as its intersection of military justice.

One of the significant outcomes of the Gallagher case is that questions about military discipline and morale for combat service members arose from the perceived failings of the military judicial system and its inability to uphold the standards for battlefield conduct. The mixed verdict and subsequent presidential involvement had profound implications that the morale of the average soldier that engages in combat for the sake of the United States is low due to a lack of military discipline. For some service members, the outcome could be seen as leniency towards misconduct, potentially eroding trust and diluting confidence in the justice process which the military relies on to hold all members of the armed forces to the same standards.¹⁸⁹ Conversely, others felt it might encourage a more open environment, where soldiers could candidly share controversial battlefield experiences without fear of undue reprisal and disproportionate punishment.¹⁹⁰ However, it seems as if the military justice system, which if functioning properly is the cornerstone of military discipline, is still unable to hold all soldiers to the exact same standards.

One of the tangible outcomes of the Gallagher incident was the re-evaluation of training and oversight within elite military units. A renewed emphasis on ethical conduct in combat zones, clearer reporting lines for potential misconduct, and a focus on mental health became pivotal.¹⁹¹ This shift aimed to address the root causes of such incidents, ensuring that they remain anomalies in an otherwise stellar record, which the special forces spent a fair amount of effort cultivating.¹⁹² The incident catalyzed introspection within elite military units, with heightened focus on ethical conduct, streamlined misconduct

¹⁸⁹ Navy Times Staff, “What Motivated Fellow SEALs to Dime out Eddie Gallagher?”

¹⁹⁰ Stone, “Rep. Hunter on War-Crimes Suspect Gallagher.”

¹⁹¹ Sean Wead, “Ethics in Combat: Preparing Soldiers for Moral Decisions in Combat, A Project Study” (Virginia Theological Seminary, 2010); Wead; Wertheimer et al., *Empowering Our Military Conscience*.

¹⁹² Larry Fowler, “Why Are Navy SEALs the Best Operators? | USMilitary.Com,” US Military, August 12, 2022, <https://usmilitary.com/what-makes-navy-seals-the-best-special-forces-operators-in-the-world-today/>.

reporting, and mental well-being.¹⁹³ This recalibration intended to preclude similar events, upholding the military's impeccable standards. However, even when taking into account other incidents of special forces operators being accused of similar unethical behavior in combat situations, the special forces community did not believe that the overall culture of the special forces needed to be overhauled, and that it did not in fact have any specific morality issues.¹⁹⁴

The incident also illuminated potential weaknesses in military oversight and invoked concerns about the existing "brotherhood" ethos potentially stifling misconduct reports. The reflections of fellow servicemembers highlighted the immense responsibility and moral dilemmas soldiers grapple with and the SEAL community, renowned for its discipline and elite capabilities, found itself under scrutiny following the Gallagher incident.¹⁹⁵ Along those same lines, lack of oversight could also explain how Gallagher not only was set to receive the Silver Star but also was set to receive a prominent job training new SEAL soldiers, which some within Alpha platoon stating that "Instead of getting pushed out of the SEALs, Eddie was getting pushed up."¹⁹⁶ These comments from Alpha platoon and subsequent other commentators forced the special forces to look closer at their oversight processes, and internal debates about the ethos, training methods, and accountability mechanisms intensified.¹⁹⁷ The incident underscored the need for continuous introspection and evolution within special operations forces, even if they special operation forces themselves believed there was nothing to indicate that the ethos that they provided to their soldiers was in some way contributing to war crimes, ensuring that their reputation remains untarnished.

¹⁹³ John Ismay, "Elite U.S. Forces Critique Themselves: Overused, Underled, Raid-Obsessed," *The New York Times*, January 30, 2020, <https://www.nytimes.com/2020/01/29/us/eddie-gallagher-us-military-special-forces.html>.

¹⁹⁴ Ismay.

¹⁹⁵ Philipps, *Alpha*; Navy Times Staff, "What Motivated Fellow SEALs to Dime out Eddie Gallagher?"

¹⁹⁶ Philipps, *Alpha*, 198.

¹⁹⁷ Ismay, "Elite U.S. Forces Critique Themselves."

Gallagher's return to civilian life post-trial was closely watched. His case helped to understand and expand on the broader challenges many service members face when transitioning from combat zones to domestic life. Addressing potential psychological scars, ensuring societal reintegration, and providing avenues for meaningful employment became focal points in the broader discourse on veteran care.¹⁹⁸ Upon his return to civilian life, Gallagher's trajectory underscored broader issues veterans grapple with, especially transitioning from war zones. Addressing psychological impacts, facilitating societal reintegration, and assisting in securing employment stood out as cardinal concerns in the veteran care discourse.

Public perception of the military, traditionally held in high esteem, can also be swayed by such incidents, the both the military and the politicians who try and use the military as a bright beacon of excellence to justify combat operations were very motivated in painting the Gallagher Incident in the best light possible. Given the extensive media attention, the military's public relations arms found themselves in overdrive, striving to safeguard their reputation.¹⁹⁹ Historically, the uproar post-Gallagher bears resemblance to public sentiment following the My Lai Massacre during the Vietnam War as both instances incited public debates around warfare norms, ethical considerations, and overarching accountability.²⁰⁰ Despite their differences in magnitude, the similarities in public dialogue are undeniable. Both situations evoked strong public reactions, leading to broader debates about the nature of warfare, military ethics, and systemic accountability.²⁰¹ While the Gallagher case is on a different scale, the parallels in public discourse are hard to ignore and it is clear that incidents like Gallagher's can influence public perception of the military,

¹⁹⁸ Brown University Watson Institute, "The Long-Term Costs of United States Care for Veterans of the Afghanistan and Iraq Wars | Costs of War," The Costs of War, accessed August 17, 2023, <https://watson.brown.edu/costsofwar/papers/2021/CareforVeterans>; U.S. Department of Veterans Affairs, "VA Research on Afghanistan and Iraq Veterans," September 2016, <https://www.research.va.gov/topics/oef-oif.cfm>.

¹⁹⁹ Prine, "SEAL War Crimes Suspect Not Guilty on Murder Charge."

²⁰⁰ Lawrence, "'Corrupt Navy Prosecutor' Who Spied on Attorneys, Media Joins Law Firm, Ret. Navy SEAL Eddie Gallagher Warns"; Losey, "Eddie Gallagher Vs. the World."

²⁰¹ Stone, "Rep. Hunter on War-Crimes Suspect Gallagher"; Losey, "Eddie Gallagher Vs. the World"; Decker and Paul, "The Real Terrorist Was Me: An Analysis of Narratives Told by Iraq Veterans Against the War in an Effort to Rehumanize Iraqi Civilians and Soldiers."

and those perceptions are important for the military to maintain in order to continue to mitigate potential reputational damage that these types of incidents bring.

Public perception of the military was not the only role that the media played in the Gallagher incident, as it was present from the initial reports to the trial's conclusion. The varying narratives, ranging from Gallagher being portrayed as a war hero to a rogue operator, not only influenced public opinion but also polarized the two political sides into focusing on making the case more about who you voted for in the last election than what is the best outcome from a justice standpoint.²⁰² This dual role of the media, both as an informant and a shaper of perceptions, underscores its power in such controversial event, and how easily questions of morality and ethical military practices can be turned into accusations of weakness towards the enemies of America and overall denouement of the military.

C. OUTCOMES

One of the concerns arising from the Gallagher incident is the potential apprehension the military holds regarding public perception. While it is understandable that the military would be concerned about its image, especially in an era dominated by rapid information dissemination, it becomes problematic when this concern trumps the need for accountability. In Gallagher's case, despite evidence and testimonies, there seemed to be hesitance and a series of obstructions in bringing him to justice. This trend suggests a potential prioritization of public image over genuine introspection and corrective action. The military's response to such incidents must be shaped by a commitment to justice and the principles it stands for, rather than concerns over public backlash or reputational damage.

The incident also brings forth the belief that as long as missions are accomplished, the methods utilized to achieve them can be overlooked. Such a viewpoint, which places results above the ethical considerations of the means employed, is inherently problematic for any ethical conversation about how to wage war. While it's essential for the military to

²⁰² Lawrence, "'Corrupt Navy Prosecutor' Who Spied on Attorneys, Media Joins Law Firm, Ret. Navy SEAL Eddie Gallagher Warns"; Stone, "Rep. Hunter on War-Crimes Suspect Gallagher."

achieve its operational objectives, it should not come at the expense of ethical and moral integrity. Acts that are questionable in nature not only betray the trust bestowed upon the military by the public but also risk long-term strategic partnerships and alliances. Engaging in or overlooking unethical acts during conflict can have a ripple effect, undermining the trust and cooperation of allies and potentially providing adversaries with propaganda material.

Gallagher's actions and those of others who have faced similar accusations beg the question: does the military do enough to ensure the mental well-being of its personnel? Engaging in active combat, witnessing the horrors of war, and operating under extreme stress can have profound psychological impacts. It's crucial for the military to regularly assess the mental stability of its operators, especially those in high-intensity roles. The Gallagher incident indicates potential lapses in this area. By ensuring rigorous mental health screenings and offering support mechanisms, the military can not only prevent potential incidents of misconduct but also support the holistic well-being of its servicemen and women.

While the Eddie Gallagher Incident stands out due to its high-profile nature and the controversy it stirred, it should be viewed as more than just an isolated event. It offers the military establishment an opportunity for introspection, shedding light on areas that need urgent redressal to maintain its integrity and uphold the values it stands for.

D. LESSONS AND TAKEAWAYS

The lessons and takeaways of the Gallagher case depend almost completely on how you view the overall problem that the incident underlines. Now, on one hand, if you believe that the military needs to continue to give special operators and units, who see heavy combat, unilateral freedom of action, then the Gallagher incident is just an example of one "bad apple" in the barrel. Some would even argue that the case itself was blown out of proportion, and that in combat and in conflict, sometimes there are morally gray actions that are acceptable in order to achieve the objectives during that war. This is a classic example of the ends justifying the means.

However, the other lesson that can be drawn from this incident is that the military seems to have continued to avoid one of the most pervasive issues that continue to plague the American military: specifically, that of relying too heavily on an individual's sense of morality in combat situations. Some might suggest that morality and ethics cannot truly be taught, but rather the military can only establish hard guidelines or lateral limits for combat operators to stay between. But, just like any other skill or ability, being able to make ethical decisions in compressed and stressful situations is something that can be trained for and improved over time.

While training can never account for every scenario that a soldier might face, and all the oversight in the world cannot catch every infraction, that cannot be used as a reason to not try and build a better military training and oversight infrastructure that attempts to do just that. Eddie Gallagher and the can of worms that was opened by his trial I believe confirms this. Proper ethical training and moral oversight might not have prevented Gallagher from perpetrating the acts that he was accused of, but they may have highlighted the possibility that Gallagher was comfortable with operating in an unethical manner. One of Gallagher's platoonmates said it best, "In the end, Gallagher showed us he wasn't our brother. Real brothers don't needlessly put their men at risk."²⁰³

²⁰³ Vriens, "‘My Only Regret Is Not Doing More’ — Why I Reported Eddie Gallagher for War Crimes."

V. COMBATING NEGATIVE STRATEGICAL OUTCOMES THROUGH MORALITY TRAINING

In delving deeply into the complex realms of the My Lai Massacre and the series of incidents involving Eddie Gallagher, this thesis has navigated through a multitude of ethical failings, operational inefficiencies, and strategic missteps that have marred the annals of American military history. These case studies stand as poignant testimonials to the potential escalating consequences of moral degradation within the military ranks during wartime, unraveling how systemic failures in upholding ethical standards can result in human rights violations and war crimes. Moreover, they may serve as grim illustrations of the interconnectedness of moral conduct and strategic efficacy, demonstrating how breaches in ethical fortitude can precipitate a cascade of strategic blunders, undermining the very foundations of honor, dignity, and the rules of engagement that the military is built upon.

A. FINDINGS

At the heart of the tragedies that unfolded in the My Lai Massacre, the Highway of Death, and the Eddie Gallagher incident, lies the deficiency in moral and ethical education of the soldiers involved. This thesis has traced the thread of ineffective moral training running through these dark chapters in American military history, exposing how the potential failure to instill a steadfast ethical compass may lead to atrocities that reverberate with distressing human and strategic implications. As we have ventured through this critical analysis, it is apparent that the American military stands at a juncture where a transformative approach to morality training is not merely an option but an imperative necessity.

Foremost among this thesis's findings is the need to integrate into military training a comprehensive ethics curriculum that fosters a deep-seated respect for human dignity and an unwavering commitment to the principles of *jus in bello*. By nurturing a generation of soldiers equipped with both martial skill and moral fortitude, the American military can forge a path that safeguards its strategic interests while upholding the sanctity of human

life, steering clear of the shadows cast by past transgressions and moving towards a future of responsible military engagements.

The pervasive negative ramifications of these ethical lapses echo far beyond the immediate theatres of conflict, as they tarnish the global reputation of the American military and erode the trust and confidence of allies and civilians alike. Fostering a culture that champions ethical conduct not only serves as a bulwark against the recurrence of atrocities but also fortifies the strategic prowess of the American military. Moving forward, it is incumbent upon military and governmental institutions to intertwine strategic planning with moral responsibility, thus nurturing a force that is as formidable in its ethical convictions as it is in its military capabilities.

An amplification in morality training could potentially serve as a robust countermeasure to individual lapses of ethical judgement. In the volatile arenas of warfare, where the lines between right and wrong can often blur, the military must proactively shape the ethical foundations of its personnel. This initiative serves a dual purpose. First, it acts as a beacon, guiding individuals to navigate the chaos of the battlefield with a moral compass, thereby preventing reprehensible decisions made in the crucible of conflict. Second, it serves as a diagnostic tool to identify and possibly rehabilitate individuals who, for various reasons, are predisposed to making unethical decisions amidst combat, thereby averting potential tragedies before they can occur. By focusing on the enhancement of morality training, the military not only fosters a force grounded in ethical resilience but also constructs a safeguard against strategic setbacks that inevitably follow moral transgressions. This dual-faceted approach, therefore, offers a tangible, strategic avenue through which the military can foster a culture of ethical vigilance and responsibility, fortifying its ranks with individuals capable of upholding the highest standards of conduct even in the face of the harshest adversities while accomplishing strategic objectives.

In these two case studies, unethical behavior by military personnel not only violated international norms and laws but also undermined strategic objectives. These actions sowed mistrust, hardened opposition, and weakened the moral standing of the U.S.

military, both domestically and internationally.²⁰⁴ These examples serve as proof that specific ethical failings of individuals, groups, or the military as a whole can erode the strategic bedrock which military victory sits upon. The strategic consequences of unethical behavior are far-reaching, underscoring the imperative for robust ethics and morality training within the military.

B. WHY THE MILITARY NEEDS TO CARE ABOUT ETHICS: ETHICS AFFECTS STRATEGY

It is important for the military to understand broadly how ethical issues can affect strategy. The consequences of unethical behavior, such as the loss of public support or the disillusionment of soldiers, can be the result of one incident, or can form over several incidents. Therefore, consequences do not always happen one at a time, but rather in clusters, compounding the strategic difficulties. Unethical behavior can stem from a vast array of circumstances, from individual failings to organizational corruption, but the impact on a military force's strategy is both broad and lasting.

Strategy also includes public support. Public support is crucial to the success of military operations, especially in democratic societies like the U.S. When unethical behavior by military personnel comes to light, it often leads to widespread public outcry and a loss of faith in the military.²⁰⁵ This can in turn lead to a decrease in support for military operations, making it more difficult to sustain these operations over the long term and achieve strategic objectives. The My Lai Massacre during the Vietnam War is an example of such a scenario, wherein public outrage over the incident led to increased anti-war sentiment, hampering the U.S.'s war effort²⁰⁶ and its progress toward strategic goals. Unethical behavior by the military can damage relationships with allies and partner nations, making it more difficult to build coalitions or engage in cooperative efforts to achieve strategic goals. Other nations may be reluctant to partner with a military force that is known for its ethical transgressions. Ethical lapses can directly undermine the U.S.'s ability to

²⁰⁴ Hersh, "Overwhelming Force"; Anderson, *Facing My Lai*; Philipps, *Alpha*.

²⁰⁵ Orend, "Jus in Bello— Just Conduct in War."

²⁰⁶ Nelson, *The War Behind Me*.

conduct effective military operations, as international partnerships and alliances are part of the strategy for military victory.

Acts of military misconduct can undermine U.S. strategic objectives by inflaming enemy resistance. Unethical actions such as the killing of civilians or the desecration of bodies can be used as propaganda tools by adversaries to recruit more fighters and galvanize resistance against the U.S.²⁰⁷ This can make conflicts more protracted and difficult to resolve, strategic objectives more difficult to attain.

Unethical behavior by the military can also undermine the rule of law, both domestically and internationally.²⁰⁸ It can lead to an erosion of respect for international norms and treaties, which are critical for maintaining global stability and peace. Moreover, such behavior can complicate post-conflict reconciliation and peace-building efforts, as it fuels resentment and makes it harder for communities to heal from the wounds of war.

Finally, ethical failings can have detrimental effects on morale and cohesion within the military itself. When soldiers witness or participate in unethical actions, it can lead to a sense of disillusionment, erode trust in leadership, and create divisions among personnel.²⁰⁹ This can decrease overall morale, lead to higher rates of mental health issues, and ultimately reduce the effectiveness of the military force.

It is clear that ethical conduct in the military is not just a matter of moral duty, it is also a strategic imperative. Ethical failings can have wide-ranging impacts that directly undermine the ability of the U.S. military to achieve its strategic objectives.

C. RECOMMENDATIONS TO IMPROVE CURRENT ETHICS TRAINING IN THE MILITARY

Ethical failings may be prevented, and the best course of action, the one that the military has the most control over, is to take a look at how the U.S. military trains its soldiers in the ethics of combat. Hence, investing in robust ethics and morality training for

²⁰⁷ Philipps, *Alpha*.

²⁰⁸ International Committee of the Red Cross, “Jus Ad Bellum and Jus in Bello.”

²⁰⁹ Sallah and Weiss, *Tiger Force*.

military personnel is of paramount importance. While it is probably naïve to believe that the U.S. military can completely stop, or at least reduce, unethical behavior in combat all together, it is important to strive towards that goal.

Given the profound strategic consequences of unethical behavior, it is vital to consider ways to enhance ethics and morality training within the military. Training is always instilled in the military as the thing that you fall back on when things go bad. Military training is designed to help soldiers act when their lives are in danger, or they might not know exactly what to do in a certain circumstance. Therefore, ethical training must be instilled as deeply as combat training is, because ethical failings can have similar strategic negative consequences as combat losses. This thesis offers the following five recommendations to enhance ethics and morality training within the military.

1. Provide Training That Is Values-Based Rather than Legalistic

First, the military must shift from a strictly legalistic approach to a more values-based approach in ethics training. While knowledge of laws and codes of conduct is crucial, it is insufficient for preparing soldiers for the complex ethical decisions they will face on the battlefield.²¹⁰ A values-based approach, on the other hand, emphasizes the underlying principles that guide ethical behavior, such as respect for human dignity, compassion, fairness, and responsibility. This type of training will help soldiers to not only understand “What can I do?” but also “What should I do?” This distinction is important and may empower both soldiers and commanders to question unethical, but still legal, orders. Using historical and hypothetical case studies can also be an effective way of teaching ethics because analyzing past instances of ethical and unethical behavior can provide practical lessons on the importance of ethics in the military context. Role-playing exercises can also be used to simulate ethical dilemmas that military personnel might face, providing a safe environment for them to practice their decision-making skills. All of these improvements help to move the conversation about ethics from a purely legal debate to a moralistic one, which in turn helps to promote those same qualities in soldiers.

²¹⁰ Wead, “Ethics in Combat: Preparing Soldiers for Moral Decisions in Combat, A Project Study.”

2. Integrate Ethics Training into All Aspects of Military Practice

Second, ethics training should not be confined to the classroom; instead, it should be integrated into all aspects of military training and operations. Rather than treating ethics as a separate topic to be taught in isolation, it should be integrated into all aspects of military training and practice. This means considering ethical implications in tactical exercises, strategic planning sessions, and even routine administrative tasks.²¹¹ By framing ethics as a part of everyday decision-making rather than as an abstract concept, the military can ensure that its personnel are more likely to consider ethical principles in their actions. This means introducing ethical considerations into tactical and strategic planning exercises, promoting ethical decision-making as a key competence for military leaders, and integrating ethical considerations into evaluation and promotion criteria for military personnel.²¹²

3. Mandate Ongoing Ethics Training

Third, the military must mandate ongoing, rather than one-off, ethics training. Ethics training should not be a one-time event, but a continuous process throughout a military professional's career as ethical competence, like any other skill, needs to be developed and maintained over time.²¹³ Regular training sessions, combined with opportunities for reflection and discussion, can help to ensure that ethical considerations remain at the forefront of soldiers' minds. This mindset ensures that ethical principles remain central to their decision-making as they progress in their career and face new challenges. Continuous ethics training can also help to reinforce key principles and provide updated information as ethical norms and challenges evolve over time. Regularity in ethics discussions would pave the way to a culture of moral courage and bystander intervention. Soldiers should be encouraged and empowered to intervene or report unethical behavior,

²¹¹ Timothy J. Demy, Naval War College (U.S.), and Naval War College (U.S.), eds., *Ethics and the Twenty-First-Century Military Professional*, The John A. van Beuren Studies in Leadership and Ethics, number 2 (Newport, Rhode Island: Naval War College Press, 2018).

²¹² Wertheimer et al., *Empowering Our Military Conscience*.

²¹³ Paul J. Haren, James P. Ingram, and Leroy H. Weber, "Ethics in the Military: A Review of Junior Officer Education and Training Programs" (Naval Postgraduate School, 2004).

and such actions should be recognized and rewarded.²¹⁴ This approach can help to create an environment in which ethical behavior is the norm, rather than the exception.

4. Emphasize Ethics Training for Military Leaders

Fourth, ethics training for military leaders is especially crucial, as they set the tone for the conduct of those under their command. Leaders should be equipped not only to model ethical behavior but also to encourage it in their subordinates.²¹⁵ This includes recognizing and rewarding ethical conduct, addressing unethical behavior promptly and fairly, and providing guidance and support when subordinates face ethical dilemmas. Creating an environment that encourages open discussion about ethical dilemmas and challenges can be beneficial, especially if the leader of the group or unit values such discussions and even welcomes specific questions. This style of leadership can help to destigmatize ethical concerns, making it easier for personnel to voice their worries and seek guidance when faced with ethical dilemmas.²¹⁶ Encouraging open dialogue about ethics can also foster a culture of mutual respect and understanding, which is critical for maintaining ethical conduct in the military, something that any good leader strives for in their command.

5. Implement a Multidisciplinary Approach

Lastly, military ethics education can benefit from a multidisciplinary approach, incorporating perspectives from fields such as law, philosophy, psychology, and sociology.²¹⁷ This can help military personnel gain a deeper understanding of the ethical complexities they face, equipping them with a broader set of tools to navigate these challenges. A multidisciplinary approach also encourages critical thinking and fosters an appreciation for diverse viewpoints, which can be beneficial in complex, real-world

²¹⁴ Rebecca Segal, “Train Like You Fight: Bystander-Intervention Training,” *War Room - U.S. Army War College* (blog), July 1, 2021, <https://warroom.armywarcollege.edu/articles/bystander-intervention/>.

²¹⁵ Beth A Behn, “The Stakes Are High: Ethics Education at U.S. War Colleges” (Air War College, 2016).

²¹⁶ Wertheimer et al., *Empowering Our Military Conscience*.

²¹⁷ Carrick, Connelly, and Whetham, *Making the Military Moral*.

scenarios. The five recommendations offered in this section are a product of this multi-disciplinary approach, and through it the military can find a way to better prepare its soldiers and leaders for the next conflict.

While there are many challenges to overcome, these recommendations can provide a starting point for reform. By fostering a culture of ethics and morality within the military, we can not only prevent atrocities but also enhance strategic effectiveness and public trust in our armed forces. Improving ethics training in the military involves not only updating the curriculum but also transforming the way that ethics is approached within the organization. By provide training that is values-based rather than legalistic, integrate ethics training into all aspects of military practice, mandate ongoing ethics training, emphasize ethics training for military leaders, and implement a multidisciplinary approach, the military can foster a culture of ethical conduct that is both resilient and adaptable to new challenges. The U.S. military must keep the atrocities of My Lai, and the actions of Eddie Gallagher, in the past, and find new ways to move beyond these ethical failings to a future where the American Military can proudly state that they are the leaders in waging wars effectively and ethically.

D. FINAL THOUGHTS

In revisiting the harrowing chapters of My Lai, the Highway of Death and the Eddie Gallagher incident, it becomes unmistakably clear that the roots of these atrocities can be traced back, at least in part, to a deficiency in ethical training within the ranks. The My Lai Massacre, a cataclysmic event stained with the indiscriminate killing of civilians, exhibited a stark collapse of moral restraint, a reflection of a system failing to instill a robust ethical grounding in its soldiers. Similarly, the case surrounding Eddie Gallagher painted a grim portrait of a man seemingly unhinged, lacking the moral compass necessary to navigate the complexities of warfare. These incidents are not isolated, but are potentially symptomatic of a more significant malaise where a void in moral guidance allows for the proliferation of transgressions. It may have formed a cruel cycle wherein the absence of stringent morality training fosters an environment ripe for ethical digressions, which in turn fuels further violence and inhumanity.

While the underlying causes of these incidents are intricate and multifaceted, the need for a renewed emphasis on moral training emerges as a potent solution that holds the promise of transformation. Addressing this insufficiency is not merely a theoretical exercise but a tangible pathway to rectify and prevent the recurrence of such tragedies. An enhanced framework for morality training can act as a powerful deterrent, fostering soldiers equipped not only with weapons but with the discernment to use them judiciously. It nurtures individuals capable of distinguishing between right and wrong, even when faced with the most testing circumstances. This overhauling of training is not a simple task, yet it represents a strategic pivot towards nurturing a military force grounded in ethical prudence, thereby playing a pivotal role in safeguarding the honor and integrity of the armed forces.

It is incumbent upon us to underline that rectifying this potential glaring lapse in training is not merely a response to past tragedies, but a responsibility and a pledge to uphold the highest standards of human decency even in the theater of war. By investing in the moral education of its soldiers, the military can take a decisive step towards not only preventing future atrocities but in sculpting a force that stands as a beacon of honor and righteousness in a world often marred by conflict and cruelty. In doing so, we will be able to forge a future in which the narratives surrounding wars are not tales of unchecked brutality but chronicles of valor wherein soldiers stand as guardians of the profoundest principles of humanity. The goal, thus, is clear: to cultivate a milieu in which the acts of My Lai, the Highway of Death, and the transgressions of individuals like Eddie Gallagher remain firmly in the annals of history, serving as grim reminders of a path that we have consciously chosen to forsake for a road paved with honor, dignity, and an unwavering commitment to the sanctity of human life.

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LIST OF REFERENCES

- Allison, William Thomas. "Kill Anything That Moves: The Real American War in Vietnam." *Parameters* 43, no. 4 (Winter /2014 2013): 162–63.
- Amando, Kimberly. "US Inflation Rate by Year: 1929–2023." The Balance, March 31, 2023. <https://www.thebalancemoney.com/u-s-inflation-rate-history-by-year-and-forecast-3306093>.
- Anderson, David L., ed. *Facing My Lai: Moving beyond the Massacre*. Modern War Studies. Lawrence, Kan: University Press of Kansas, 1998.
- Barkham, Patrick. "Iraq War 10 Years on: Mass Protest That Defined a Generation." *The Guardian*, February 15, 2013. <https://www.theguardian.com/world/2013/feb/15/iraq-war-mass-protest>.
- BBC News. "The Impact of the My Lai Massacre, 1968 – Reactions to and End of U.S. Involvement in Vietnam." BBC Bitesize. Accessed August 29, 2023. <https://www.bbc.co.uk/bitesize/guides/zkfjjsjg/revision/2>.
- Behn, Beth A. "The Stakes Are High: Ethics Education at U.S. War Colleges." Air War College, 2016.
- Belknap, Michal R. *The Vietnam War on Trial: The My Lai Massacre and the Court-Martial of Lieutenant Calley*. Landmark Law Cases & American Society. Lawrence, Kan: University Press of Kansas, 2002.
- Britannica. "Vietnam | History, Population, Map, Flag, Government, & Facts | Britannica." Britannica, August 17, 2023. <https://www.britannica.com/place/Vietnam>.
- Carrick, Don, James Connelly, and David Whetham, eds. *Making the Military Moral: Contemporary Challenges and Responses in Military Ethics Education*. London: Routledge, 2017. <https://doi.org/10.4324/9781315593388>.
- CBS News. "Taliban Body Desecration Probed," October 20, 2005. <https://www.cbsnews.com/news/taliban-body-desecration-probed/>.
- Central Intelligence Agency. "Vietnam." In *The World Factbook*. Central Intelligence Agency, August 15, 2023. <https://www.cia.gov/the-world-factbook/countries/vietnam/>.
- Coll, Steve, and William Branigin. "U.S. Scrambled to Shape View of 'Highway of Death.'" *Washington Post*, March 11, 1991. <https://www.washingtonpost.com/archive/politics/1991/03/11/us-scrambled-to-shape-view-of-highway-of-death/05899d9a-f304-441d-8078-59812cdacc5c/>.

- Daddis, Gregory A. "The Problem of Metrics: Assessing Progress and Effectiveness in the Vietnam War." *War in History* 19, no. 1 (January 1, 2012): 73–98. <https://doi.org/10.1177/0968344511422312>.
- Davies, Dave. "Journalist: Eddie Gallagher Case Reveals A 'War For The Soul Of The Navy SEALs.'" *NPR*, August 24, 2021. <https://www.npr.org/2021/08/24/1030600036/journalist-eddie-gallagher-case-reveals-a-war-for-the-soul-of-the-navy-seals>.
- Decker, Stephanie, and John Paul. "The Real Terrorist Was Me: An Analysis of Narratives Told by Iraq Veterans Against the War in an Effort to Rehumanize Iraqi Civilians and Soldiers." *Societies Without Borders* 8 (2013).
- DeGhett, Torie Rose. "The War Photo No One Would Publish." *The Atlantic*, August 8, 2014. <https://www.theatlantic.com/international/archive/2014/08/the-war-photo-no-one-would-publish/375762/>.
- Demy, Timothy J., Naval War College (U.S.), and Naval War College (U.S.), eds. *Ethics and the Twenty-First-Century Military Professional*. The John A. van Beuren Studies in Leadership and Ethics, number 2. Newport, Rhode Island: Naval War College Press, 2018.
- Dennis, Paul A., Nora M. Dennis, Elizabeth E. Van Voorhees, Patrick S. Calhoun, Michelle F. Dennis, and Jean C. Beckham. "Moral Transgression during the Vietnam War: A Path Analysis of the Psychological Impact of Veterans' Involvement in Wartime Atrocities." *Anxiety, Stress, and Coping* 30, no. 2 (March 2017): 188–201. <https://doi.org/10.1080/10615806.2016.1230669>.
- Fowler, Larry. "Why Are Navy SEALs the Best Operators? | USMilitary.Com." U.S. Military, August 12, 2022. <https://usmilitary.com/what-makes-navy-seals-the-best-special-forces-operators-in-the-world-today/>.
- Frew, Christopher. "Afghanistan and Dehumanisation." *The Guardian*, March 16, 2012. <https://www.theguardian.com/world/2012/mar/16/afghanistan-and-dehumanisation>.
- Geroux, John Spencer, Jayson. "Urban Warfare Case Study #6: First Battle of Fallujah." Modern War Institute, October 28, 2022. <https://mwi.westpoint.edu/urban-warfare-case-study-6-first-battle-of-fallujah/>.
- Gordon, Michael Richard, and Bernard E. Trainor. *Cobra II: The inside Story of the Invasion and Occupation of Iraq; [with a New Afterword]*. 1. Vintage Books ed. New York: Vintage Books, 2007.
- Grossman, Dave. *On Killing: The Psychological Cost of Learning to Kill in War and Society*. Rev. ed. New York: Little, Brown and Co, 2009.

- Halberstam, David. *The Best and the Brightest*. New York, N.Y: Penguin Books, 1983.
- Haren, Paul J., James P. Ingram, and Leroy H. Weber. "Ethics in the Military: A Review of Junior Officer Education and Training Programs." Naval Postgraduate School, 2004.
- Hersh, Seymour. "Overwhelming Force." *The New Yorker*, Annals of War, no. May 22, 2000 (May 14, 2000): 48.
- Hersh, Seymour M. *Chain of Command: The Road from 9/11 to Abu Ghraib*. 1. ed. New York, NY: HarperCollins, 2004.
- International Committee of the Red Cross. "Jus Ad Bellum and Jus in Bello," June 27, 2016. <https://www.icrc.org/en/document/jus-ad-bellum-jus-in-bello>.
- Ismay, John. "Elite U.S. Forces Critique Themselves: Overused, Underled, Raid-Obsessed." *The New York Times*, January 30, 2020. <https://www.nytimes.com/2020/01/29/us/eddie-gallagher-us-military-special-forces.html>.
- Jr, Edwin L. Dale. "What Vietnam Did to the American Economy." *The New York Times*, January 28, 1973. <https://www.nytimes.com/1973/01/28/archives/what-vietnam-did-to-the-american-economy-worsening-payments-deficit.html>.
- Khawaja, Noor-ul-Ain. "Human Rights Violations Under U.S. Occupation in Iraq: An Analysis." *Pakistan Horizon* 65, no. 3 (2012): 59–83.
- Knoll, Erwin, and Judith Nies McFadden, eds. *War Crimes and the American Conscience*. Holt Paperback 4. New York, NY: Holt, Rinehart & Winston, 1970.
- Kulik, Gary, Peter Zinoman, and Nick Turse. "Misrepresenting Atrocities: Kill Anything That Moves and the Continuing Distortions of the War in Vietnam." *Cross-Currents*, no. 12 (August 31, 2014): 162–98.
- Lawrence, Elizabeth. "'Corrupt Navy Prosecutor' Who Spied on Attorneys, Media Joins Law Firm, Ret. Navy SEAL Eddie Gallagher Warns." *American Military News* (blog), August 16, 2023. <https://americanmilitarynews.com/2023/08/corrupt-navy-prosecutor-who-spied-on-attorneys-media-joins-law-firm-ret-navy-seal-eddie-gallagher-warns/>.
- Levesque, Christopher James, Andrew Huebner, Committee Co-Chair, Daniel Riches, Committee Co-Chair, Kari Frederickson, John Giggie, and James S Olson. "Not Just Following Orders: Avoiding and Reporting Atrocities During the Vietnam War." The University of Alabama, 2014.

- Losey, Stephen. "Eddie Gallagher Vs. the World: After War Crimes Trial, Notorious SEAL Is Out to Settle Scores." *Military.com*, June 28, 2021. <https://www.military.com/daily-news/2021/06/26/eddie-gallagher-vs-world-after-war-crimes-trial-notorious-seal-out-settle-scores.html>.
- Martinez, Luis, and Elizabeth McLaughlin. "Trump Issues Pardons for 3 Service Members Accused of War Crimes." *ABC News*, November 16, 2019. <https://abcnews.go.com/Politics/trump-issues-pardons-service-members-accused-war-crimes/story?id=67055490>.
- McCaffrey, Barry R. "A General's View of Iraq." *Los Angeles Times*, April 3, 2007. <https://www.latimes.com/archives/la-xpm-2007-apr-03-oe-mccaffrey3-story.html>.
- Milam, John R. *Not a Gentleman's War: An Inside View of Junior Officers in the Vietnam War*. Univ of North Carolina Press, 2009.
- Navy Times Staff. "What Motivated Fellow SEALs to Dime out Eddie Gallagher?" *Navy Times*, April 23, 2019. <https://www.navytimes.com/news/your-navy/2019/04/22/what-motivated-fellow-seals-to-dime-out-eddie-gallagher/>.
- Nelson, Deborah. *The War Behind Me: Vietnam Veterans Confront the Truth about U.S. War Crimes*. New York, UNITED STATES: Basic Books, 2008. <http://ebookcentral.proquest.com/lib/ebook-nps/detail.action?docID=903996>.
- Oliver, Olivia. "Dehumanization in War and Combat: Rhetoric and Practice." *Texas A&M University*, 2017.
- Onion, Amanda, Missy Sullivan, Matt Mullen, and Christian Zapata. "My Lai Massacre: Vietnam War & Colin Powell." *HISTORY*, March 30, 2023. <https://www.history.com/topics/vietnam-war/my-lai-massacre-1>.
- . "Vietnam War: Causes, Facts & Impact." *HISTORY*, March 28, 2023. <https://www.history.com/topics/vietnam-war/vietnam-war-history>.
- . "Vietnam War Protests: Antiwar & Protest Songs." *HISTORY*, November 1, 2022. <https://www.history.com/topics/vietnam-war/vietnam-war-protests>.
- Orend, Brian. "Jus in Bello— Just Conduct in War." *United States Naval Academy*, n.d. https://www.usna.edu/CoreEthics/Orend_Just_Conduct_in_War.
- Peers, W. R. "The Peers Inquiry of the Massacre at My Lai." Image. Library of Congress, Washington, D.C., 20540 USA. Accessed August 24, 2023. <https://www.loc.gov/item/97042604/>.
- Philipps, David. *Alpha: Eddie Gallagher and the War for the Soul of the Navy Seals*. First edition. New York: Crown, 2021.

- Pollack, Kenneth. "The Seven Deadly Sins of Failure in Iraq: A Retrospective Analysis of the Reconstruction." Brookings, December 1, 2006. <https://www.brookings.edu/articles/the-seven-deadly-sins-of-failure-in-iraq-a-retrospective-analysis-of-the-reconstruction/>.
- Prine, Carl. "SEAL War Crimes Suspect Not Guilty on Murder Charge." Navy Times, July 3, 2019. <https://www.navytimes.com/news/your-navy/2019/07/02/seal-war-crimes-suspect-not-guilty-on-murder-charge/>.
- Reuters. "Sadly, Human Trophies Are as Old as War Itself." *Reuters*, April 19, 2012. Opinion. <https://www.reuters.com/article/idUK288402654320120418>.
- Ricks, Thomas E. *Fiasco: The American Military Adventure in Iraq; [with a New Postscript]*. London: Penguin Books, 2007.
- . *The Generals: American Military Command from World War II to Today*. New York, NY: Penguin Press, 2012.
- Ridenhour, Ron. "Perspective on My Lai: 'It Was a Nazi Kind of Thing: America Still Has Not Come to Terms with the Implications of This Slaughter of Unarmed and Unresisting Civilians during the Vietnam War.'" Los Angeles Times, March 16, 1993. <https://www.latimes.com/archives/la-xpm-1993-03-16-me-363-story.html>.
- Russell, Bertrand. *War Crimes in Vietnam*. NYU Press, 2011.
- Sallah, Michael, and Mitch Weiss. *Tiger Force: A True Story of Men and War*. New York, NY: Little, Brown and Co, 2007.
- Segal, Rebecca. "Train Like You Fight: Bystander-Intervention Training." *War Room – U.S. Army War College* (blog), July 1, 2021. <https://warroom.armywarcollege.edu/articles/bystander-intervention/>.
- Spector, Ronald. "Vietnam War | Facts, Summary, Years, Timeline, Casualties, Combatants, & Facts." Britannica, August 16, 2023. <https://www.britannica.com/event/Vietnam-War>.
- Stitt, Orrin G. "The Soldier's Dilemma: Using Decision Theory to Explain American War Crimes," 2007. <https://calhoun.nps.edu/handle/10945/10174>.
- Stone, Ken. "Rep. Hunter on War-Crimes Suspect Gallagher: I'm Guilty of Same 'Bad Thing.'" Times of San Diego, May 26, 2019. <https://timesofsandiego.com/military/2019/05/25/rep-hunter-on-war-crimes-suspect-gallagher-im-guilty-of-same-bad-thing/>.
- Summers, Harry G. *On Strategy: A Critical Analysis of the Vietnam War*. Random House Publishing Group, 1995.

- Seymour Hersch .”Overwhelming Force: What Happened in the Final Days of the Gulf War?” FRB-I, May 22, 2000. <http://www.frbu.com/4/post/2018/03/overwhelming-force-what-happened-in-the-final-days-of-the-gulf-war.html>.
- Tull, Matthew. “The Long-Term Impact of PTSD in Vietnam War Veterans.” Verywell Mind, July 8, 2021. <https://www.verywellmind.com/ptsd-from-the-vietnam-war-2797449>.
- Turse, Nick. *Kill Anything That Moves*. Minneapolis, MN: Highbridge Co., 2013.
- United States Holocaust Memorial Museum. “The Malmedy Massacre.” Holocaust Encyclopedia, n.d. <https://encyclopedia.ushmm.org/content/en/article/the-malmedy-massacre>.
- U.S. Department of Defense. “Description of Awards – U.S. Military Awards for Valor – Top 3.” Accessed August 18, 2023. <https://valor.defense.gov/description-of-awards/>.
- U.S. Department of Veterans Affairs. “Study Finds Ongoing Mental Health Concerns for Vietnam Veterans,” March 17, 2022. <https://www.research.va.gov/currents/0322-Study-finds-ongoing-mental-health-concerns-for-Vietnam-Veterans.cfm>.
- . “VA Research on Afghanistan and Iraq Veterans,” September 2016. <https://www.research.va.gov/topics/oef-oif.cfm>.
- U.S. Naval Criminal Investigative Service. “Report of Investigation: 06APR18-SWND-0206-7HNA.” Resident Agency San Diego, 05 NOV 18.
- Vriens, Josh. “‘My Only Regret Is Not Doing More’ — Why I Reported Eddie Gallagher for War Crimes.” Task & Purpose, January 25, 2022. <https://taskandpurpose.com/news/eddie-gallagher-war-crimes/>.
- Watson Institute, Brown University. “The Long-Term Costs of United States Care for Veterans of the Afghanistan and Iraq Wars | Costs of War.” The Costs of War. Accessed August 17, 2023. <https://watson.brown.edu/costsofwar/papers/2021/CareforVeterans>.
- Wead, Sean. “Ethics in Combat: Preparing Soldiers for Moral Decisions in Combat, A Project Study.” Virginia Theological Seminary, 2010.
- Wertheimer, Roger, Mr Don Carrick, Professor James Connelly, Professor George Lucas, and Professor Paul Robinson. *Empowering Our Military Conscience: Transforming Just War Theory and Military Moral Education*. Farnham, UK: Taylor & Francis Group, 2010. <http://ebookcentral.proquest.com/lib/ebook-nps/detail.action?docID=476447>.

Zimbardo, Philip G. *The Lucifer Effect: Understanding How Good People Turn Evil*.
2008 Random House trade pbk. ed. New York: Random House Trade Paperbacks,
2008.

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