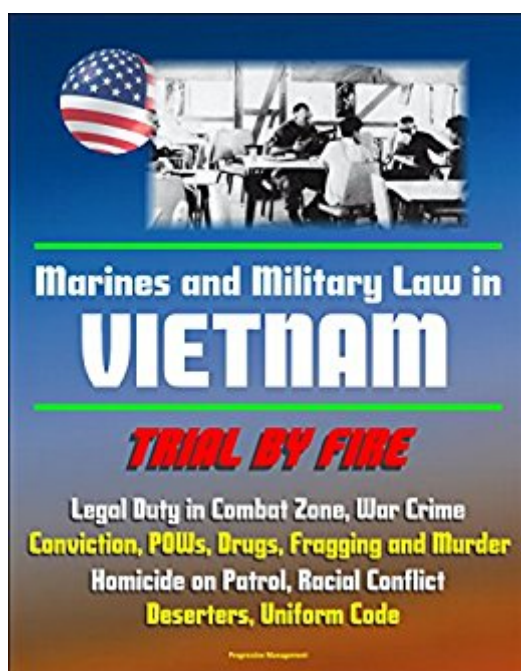


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# Marines And Military Law In Vietnam: Trial By Fire - Legal Duty In Combat Zone, War Crime Conviction, POWs, Drugs, Fragging And Murder, Homicide On Patrol, Racial Conflict, Deserters, Uniform Code



## Synopsis

This unique print replica reproduction presents an important U.S. Marine Corps book, *Marines and Military Law in Vietnam: Trial by Fire*. This particular history examines the Marine Corps lawyers role in Vietnam and how that role evolved. Also considered is the effectiveness of the Uniform Code of Military Justice in a combat environment. Military law functioned in Vietnam, but was it acceptably efficient and effective? There were several thousand courts-martial tried by the 400 Marine Corps lawyers who served in Vietnam. Those trials stand as testament to the Marines, officer and enlisted, who made the justice system yield results through their work, dedication, and refusal to allow the circumstances of Vietnam to deter them. Did the military justice system really work? The reader can be the judge, for both successes and failures are depicted here. This book presents a straightforward and unflinching examination of painful subjects. Marine lawyers in Vietnam came to legal grips with drug use, racism, fragging, and the murder of noncombatants, along with the variety of offenses more usually encountered. The Marine Corps can take pride in the commanders and the judge advocates who ensured that whenever those crimes were discovered they were exposed and vigorously prosecuted. There were no cover-ups; no impediments to the judge advocates who conscientiously represented the accused or the United States. To study the military lawyer is to examine the military criminal. Reprehensible acts and unsavory individuals are described here. The outcomes of some cases are shocking and dismaying. But while verdicts cannot be ordered, the cases were always brought to trial. The war in Vietnam has long since passed from the headlines to the history books, yet the many issues it raised have only slightly receded, and the controversy barely at all. The functioning of the military justice system in that war "the practice of criminal law on the battlefield" is one of those issues, and the controversy sparked by it is far from being extinguished. To the contrary, that system's increasing "civilianization" by statutory and appellate law keeps the ember alive, potentially to flame anew to bedevil our commanders in the next war. But, as with so many such issues, the debate is conducted with little fact intruding on the rhetoric. This volume goes a long way toward remedying that omission. In it are assembled the recollections, reflections, and accumulated wisdom of those charged with making that system "a relatively primitive version of today's" work in Vietnam. What a curious group it was: The senior leadership of Marine Corps lawyers (they would not be titled "judge advocates" until well past halfway in the war) was predominantly combat officers, who had served in World War II and Korea in "line" billets, and who had later come into the legal field. The "worker bees," the trial and defense counsel, were almost exclusively first-tour Reservists, many only recently removed from the hotbeds of antiwar activism which their college campuses had become. A surprisingly thin cushion of mid-career

lawyers filled the interface. Yet differences of background and of such temperament and philosophy as existed were submerged, for in its essential construct, the law is the great unifier of peoples and societies. And thus it was too for our lawyers in Vietnam: the single focus of this diverse group and of their common effort was to make the system "work." We each must draw our own conclusion concerning their success or failure. However, to read this volume only to resolve such weighty questions is to overlook much of its worth. It also tells an interesting story as well it should. For writing history is much like preparing a difficult and complicated case for trial.

## **Book Information**

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## **Customer Reviews**

Gary Solis (author of *Son Thang: An American War Crime*) begins his book with a short review of the history of military justice (a misnomer, perhaps) since the founding of this country. I had no idea the Code of Military Justice was of such recent vintage: 1950. The last Marine executed was in 1817 (in the Navy it was 1849.) One astonishing number Solis cites is that there were 1,700,000 courts martial during WW II (pg 4). That's incredible. The changes made to the military justice system were a direct result of the feeling that many of those courts martial were much too subjective and the charges and outcomes at the whims of officers. The system was often extra-legal and officers with

legal training played no part until the revision of 1950. "The reforms of 1950 reflected the continuing question of the purpose of military law: is it to enforce discipline or to insure justice? Or both? Can both ends be simultaneously served?"The soldiers in Vietnam were in a bizarre position. Because of a treaty signed while the French were still there and long before Americans arrived in significant numbers, the agreement provided that all American forces entering Indochina were to be considered members of the U.S. diplomatic mission with the same legal status as actual members of the U.S. mission of corresponding grade. American military personnel were divided into three categories: senior military members of the U.S. mission with full diplomatic Status; a lesser, undefined category which, significantly, excluded its membership from the civil and criminal jurisdiction of Vietnam; and the third category, whose membership was again undefined, but with the legal status of clerical personnel of the diplomatic mission. In 1958.

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