

“Illegal Orders” in the Military, War Crimes and the Trial of Bradley Manning

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Theme: [Crimes against Humanity](#), [Law and Justice](#)

After the details of My Lai, a Vietnamese village that was destroyed and men, women and children killed by U.S. Soldiers came out, and the military had selected their fall guy for the massacre, Lt. Calley, we in the Army were subjected to constant classes on when to follow or when not to follow orders. We were told that there are legal orders and illegal orders, and that following illegal orders, would be well...illegal. If an enlisted man followed what he knew to be an illegal order, not only would the person that gave the illegal order be held responsible, the person that carried out the illegal order could also be charged.

It all sounds good, but in reality it is as the Brits say, “A bit of a sticky wicket”. This is because in the military, they also teach you to follow orders immediately, if there is a question about what orders to follow, bring it up later. In combat, when your life is on the line, and also the lives of your comrades on the battlefield with you, the best thing is to follow the orders even if it means putting your own life on the line. *This is because the “fog of war” in the midst of battle is usually better seen (but not always) by the command that has a better picture of what is taking place.*

We were given class after class as to what is an “illegal order”. Discussions were held, and looking back on it, the classes were really a reaction to the media’s portrayal of the military during and directly after the My Lai trial, for public consumption, and to raise the morale of the troops when many in the military were ashamed of atrocities committed in Vietnam. This was a way to let the public and the troops know that the military was addressing some of the unspeakable horrors of war and they were trying to do something about it. In reality, this was a public relations operation.

The idea was that if a soldier saw something going on that was not legal according to the Geneva Convention on the Laws of War, that soldier should go to a higher authority and report it. If he didn’t have the time, he should refuse to participate and if it was within his power, he should try to stop it. This all sounds reasonable, but in the military, sometimes it is not as cut and dry as one would think.

Now, in this day and age, we have a military that has seen continuous combat operations for over a decade. Most of the invasions and operations are, in reality, contrary to the Geneva Conventions themselves. This places the American soldier in a predicament from the start. The question being that if one enlists and takes the oath of enlistment to obey the orders of the officers above him and to protect and defend the Constitution against all enemies foreign and domestic, when your nation is breaking both U.S. and international law in the first place, how do you obey the orders of those officers that give them?

Now we had situation where a Private First Class was allowed to access sensitive

information that showed beyond a reasonable doubt that the American military was committing atrocities and crimes that were against not only his moral code, but were against military law and the Geneva Conventions. This was during a period when the U.S. Military was committing crime after crime by using depleted uranium (a weapon of mass destruction), and destroying entire cities as in Fallujah with air strikes, artillery and armor, killing men women and children indiscriminately and for all intents and purposes, destroying the city.

Meanwhile, no soldiers were reporting crimes to their superiors (that we know about). It was business as usual in this new type of hostilities against other nations in undeclared wars that the U.S. euphemistically calls "The War on Terror". Soldiers were seemingly following illegal orders on a daily basis and "doing their duty".

This Private First Class was in a terrible quandary. It must have seemed to him that with his access to all of this sensitive information that allowed him to see a larger picture of what was really going on, that his nation was indeed committing grievous war crimes. When he brought this matter to his superiors, he was ignored. This, in reality, is what many soldiers experience when confronted with war in all of its horrific forms.

The difference here is that this lowly Private decided that he was going to expose these crimes. Like I said, in this day and age, long after the My Lai massacre. this type of behavior is unheard of. According to the American Government, the enemy we face is more horrific and dangerous than any we have ever faced. After all, as they claim, didn't Muslims fell the Twin Towers and kill innocent Americans and "aren't they plotting continuously to commit acts of terror" against the United States? As far as the military was concerned, the gloves were off and according to the President at the time; "Either you are with us or against us".

It must have taken a supreme act of courage for Bradley Manning to finally release his information to the only people that seemed to care what was happening in Iraq, Wikileaks. Now he finds himself in front of a Court Martial after being tortured for months by the military by being forced to remain in solitary confinement for months, while remaining naked, in a cold dark cell, being treated like an animal in direct violation to all military law and the Geneva Conventions in regard to treatment of prisoners.

Most of his defense has been deemed by the people in charge of his Court Martial to be inadmissible, and this leaves him defenseless against the power of the United States military that had once proclaimed **that if a soldier saw wrongdoing and violations of the Geneva Convention on the Laws of War, that soldier should go to a higher authority and report it, and if it was within his power, he should try to stop it.** The Private did report it, but the report of these violations fell on deaf ears.

Now he will pay the price of doing the right thing. Doing the right thing, not only to assuage his own sense of right and wrong, but doing the right thing according to what the United States Army once told their soldiers.

This is a new age however. An age of masking wars as defensive actions, even though they are in reality invasions of other nations against all International Law, the Geneva Conventions are no longer relevant. We have seen an observer call on Apache attack helicopters to fire on journalists walking with their cameras on a city street, and once they were wounded and lying on the street and when people ran to help them, the Apaches were ordered to fire on the rescuers. Manning let the world see this. Still, no charges were filed

against the individuals responsible for these actions.

It is Bradley Manning that will suffer for these actions. **The American military is using this to issue a warning to their soldiers that conscience and adherence to the laws of war will no longer be tolerated.** This is what the trial of Private First Class Bradley Manning means.

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