

Will American war crimes be revealed?

Like Vietnam vets did decades ago, a group of soldiers are poised to speak out about atrocities they say the U.S. committed in Iraq and Afghanistan.

Mar. 13, 2008 |

"It has often been remarked but seldom remembered that war itself is a crime. Yet a war crime is more and other than war ... It is an act beyond the pale of acceptable actions even in war. Deliberate killing or torturing of prisoners of war is a war crime. Deliberate destruction without military purpose of civilian communities is a war crime."

-- Former infantry platoon leader William Crandell opening the "Winter Soldier Investigation" in Detroit, Jan. 31, 1971

More than 100 veterans gathered in a Detroit hotel in early 1971 to talk about things they had seen and done in the Vietnam War. Called the Winter Soldier Investigation, the group spoke about a horrifying array of allegations: convoys driving over civilians; burning of villages; bodies thrown out of helicopters; torture, mutilation and infamous "free-fire zones," where anyone not wearing a U.S. uniform could be killed.

Thirty-seven years later, more than 100 veterans will gather over the next several days for "Winter Soldier: Iraq and Afghanistan." The event is designed to be another purging of the horrors of war, and another effort to put American military policy on trial in the public eye. The gathering this time, at the National Labor College outside Washington, D.C., is sponsored by the group Iraq Veterans Against the War. "Soldiers will certainly be testifying about their experience and observation of actions which are absolutely in violation of international law," says IVAW spokesperson Perry O'Brien, who served as an Army medic in Afghanistan in 2003.

In interviews with Salon, several veterans from the group described incidents in Iraq that they believed constituted wrongdoing by the U.S. military, including disproportionate use of air power resulting in civilian deaths. The soldiers were unable to provide Salon with any conclusive evidence of war crimes. But as the fifth anniversary of the U.S. invasion of Iraq approaches, the allegations they and other Winter Soldier members will publicize in Washington this week add to a long-term set of questions about the damage and destruction wrought by U.S. military operations over years of war.

The first Winter Soldier Investigation, sponsored in 1971 by Vietnam Veterans Against the War, ultimately helped fuel the antiwar movement in the United States. And the kinds of atrocities in Vietnam they alleged have been well documented since then. The first event also resulted in the Senate Foreign Relations Committee asking John Kerry, the young veteran who would go on to be a U.S. senator, to testify three months later, when he famously asked, "How do you ask a man to be the last man to die for a mistake?"

In fact, the first Winter Soldier investigation was largely ignored by the media, initially. "I don't think we had nearly the effect we had hoped for," the Vietnam veteran Crandell told me in a telephone interview. "The reporters on the scene were very impressed," he said. "But the networks sat on it." Perhaps that was because it was held in the Motor City (a bad decision then, organizers admit). Perhaps it was because the country wasn't yet ready to hear how a seemingly invisible enemy in Southeast Asia had driven otherwise honorable American

soldiers to commit unthinkable atrocities, including acts that were officially or unofficially condoned by military policy.

It is unclear whether Winter Soldier: Iraq and Afghanistan will gain wider attention from the media and the public, but its organizers say that today's technology could make a difference. "The modern soldier carries a digital camera almost as a sidearm," explained O'Brien. The group says that potentially explosive photos and video from Iraq displayed at this Winter Soldier investigation will help "expose the human consequences of failed policy" in the war zones. The searing images from Abu Ghraib, of course, came to light because soldiers working inside the prison made use of their personal digital cameras.

The veterans of Winter Soldier face the challenge of condemning U.S. military policy without the event being interpreted as -- or twisted into -- an unpatriotic attack on their fellow troops. "That is the tightrope they have to walk," explained Rick Weidman, a Vietnam veteran and director of government relations at Vietnam Veterans of America. "Don't blame the troops who are thrust into the middle of a goddamn civil war where you can't tell who the enemy is." He added: "You don't blame the troops for being put in an impossible situation. Some of this stuff is part of war. You could not retake Fallujah without what many people consider atrocities."

Vietnam veterans faced a similarly difficult balancing act 37 years ago. When Crandell opened the Winter Soldier Investigation in 1971, he tried to make it clear that the event was not intended to put American troops on trial. "There will be no phony indictments; there will be no verdict against Uncle Sam," Crandell said back then. The testimony, he argued, was supposed to expose "acts which are the inexorable result of national policy."

But it is unclear if Americans who are politically conservative will pick up on that distinction, particularly at a time when just about any critique of the war is quickly spun by both right and left. "I think they have to be as clear as they can," Crandell continued. "I still have conversations with Vietnam vets 40 years later who feel defamed by what we did. I feel sorry about that." But Crandell said this new Winter Soldier event should still go forward, "to whatever extent it helps with resolving the war or the maverick policies that need to be curtailed."

Some Iraq veterans agree that the pro-war crowd will work to create the impression that the event is an unpatriotic smear against the troops. "It troubles me a little bit," Paul Rieckhoff, executive director of Iraq and Afghanistan Veterans for America said about the coming event. "I hope that they are thinking this out, because there are plenty of people who are going to want to have their ass."

Rush Limbaugh is likely to be one who goes after them. The widely heard right-wing radio host last fall claimed that some veterans who oppose the war are, in fact, "phony soldiers."

Limbaugh has said he was referring to the case of Jesse MacBeth. Several years ago MacBeth, then an IVAW member, alleged he committed war crimes in Iraq as a soldier in the Army. In May 2006, the Army reported that MacBeth, in fact, had never served in Iraq at all.

IVAW counters that the MacBeth incident occurred before the organization put in place a requirement that members provide proof of service. For Winter Soldier, the group has also assembled a verification team of combat veterans to interview soldiers testifying, examine

discharge paperwork and review corroborating evidence including additional witnesses, video and photos.

But even with all that evidence, people sitting in the audience at National Labor College may have trouble evaluating some of the testimony they hear. Wartime accounts are notoriously difficult to untangle and verify, even when coming from multiple primary sources who appear to be telling the truth to the best of their knowledge.

Soldiers are limited to a grunt's-eye-view of the world. They will tell it like they saw it, but admit that they don't have all the answers about what may have happened in a given incident.

One example that will likely be discussed at the Winter Soldier meeting in Washington involves a powerful air attack carried out on apartment buildings in Baghdad in 2003. Soldiers who witnessed the attack told Salon that they believe innocent civilians were killed. But they witnessed it at night, from a distance, and never saw direct evidence of dead civilians.

"I'm pretty sure we saw some pretty fucked-up shit," said Clifton Hicks, who was a private in the 1st Armored Division in Iraq in 2003 and 2004 and will be testifying at the Winter Soldier event. Hicks and two other soldiers from the division's 1st Squadron, 1st Cavalry Regiment described a Nov. 13, 2003, nighttime airstrike on five apartment buildings a few hundred yards outside the perimeter of Camp Slayer, their sprawling base located just south of the Baghdad airport.

In separate interviews with Salon, all three soldiers described the buildings as shoddily constructed structures, maybe four stories high. The Iraqis living there would stand and stare when the soldiers rode by on vehicle patrols. Laundry hung out to dry on the balconies. But the structures provided one of the few clear lines of sight into the soldiers' compound, and occasionally somebody would take a random pot shot at the base from one of the apartment buildings. After one such attack involving a lieutenant colonel on the base in fall 2003, the military launched an airstrike using an AC-130, a four-propeller gunship armed with powerful cannons.

The strike appears to have occurred as part of Operation Iron Hammer, an early effort to snuff out a growing insurgency through massive use of air power in Baghdad. The officer allegedly involved in calling in the airstrike, Lt. Col. Chuck Williams, was quoted on Nov. 13, 2003, by CBS News discussing Operation Iron Hammer. "If you are trying to send a message by firing and harboring yourself inside of an area like this, we want to send the message right back that you can be reached," he told CBS. "We will find you and surgically remove you." A Pentagon news article dated the next day noted only that an AC-130 "destroyed a building that had sheltered terrorists firing on U.S. forces for several days."

Steven Casey, who back then was a scout in the same Army unit, provided Salon with videotape of the strike taken from the roof of a building at Camp Slayer, date-stamped Nov. 13, 2003. While the airstrike can clearly be heard on the tape, darkness and distance render it mostly useless for verification purposes. (Word had quickly spread through Camp Slayer that the strike was coming and soldiers had gathered on a rooftop to watch.)

The Army would not comment on the airstrike. Williams, the lieutenant colonel allegedly involved in calling in the airstrike, refused a request for an interview.

But it is not just the darkness on the videotape that makes the story hard to gauge. News clips from that time period claim that the military was evacuating civilians prior to Operation Iron Hammer airstrikes, in an effort to destroy empty buildings that had been used to launch attacks on U.S. forces. Brig. Gen. Martin E. Dempsey, who commanded the 1st Armored Division at the time, claimed in a Nov. 20, 2003, press conference that "we have had no civilian casualties resulting from Iron Hammer."

Salon also contacted a human rights group, which said they had staff in Iraq at that time, but they could verify no details about the airstrike or its outcome. And the three soldiers interviewed admit that while they saw the heavily damaged buildings after the strike, nobody got out of their vehicles to see if there were, in fact, dead civilians in the rubble.

Regardless of what happened that night, dozens if not hundreds of interviews with returning veterans have shown that throughout the war, the military regularly responded to real or perceived threats with overwhelming firepower. Some of those incidents clearly resulted in unwarranted civilian deaths. Other attacks may have inadvertently resulted in an unknown but potentially significant number of civilian casualties. (It should also be said that many officers and soldiers have taken great pains to protect civilians throughout the war.)

The U.S. military's overall approach with using overwhelming force supposedly changed under the counterinsurgency strategy implemented by Gen. David Petraeus starting in early 2007. Civilians were now seen as the "center of gravity" in the war effort, and it was deemed that great lengths should be taken to protect them and win over their support. High-level military officials say Petraeus has been successful in changing the way the military conducts itself in this regard; the Air Force has implemented rigorous protocols to reduce collateral damage from airstrikes.

Still, the vast majority of the American public does not have a clear picture of what has gone on for years in Iraq and Afghanistan due to U.S. military operations. In the coming days, the new generation of veterans gathering for the Winter Soldier event hope to make it more clear.
