** *My Lai Mock Trial*

*11th Grade Portfolio Law Component*

Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Task: This project will serve as your 11th grade Law Component. You will examine the infamous My Lai case that shocked the US following the Vietnam War. You will be responsible for taking on a role in the case, preparing a case briefing paper, and participating in a mock trial.

 Assignments and Due Dates:

 Role Preparation Documents Due Date:\_\_\_\_\_\_\_\_\_\_\_\_

 Participation in Mock Trial: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Trial Brief Paper Due Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Background of the Case:

The Vietnam War was the longest war in American History. It spanned over 5 presidents. The American public grew increasingly wary of the war which was seen through a large anti-war movement, mass student protests and widespread draft evasion.

By 1968, 520,000 American soldiers were in South Vietnam. Their mission was to subdue and drive out the Communists from North Vietnam. But, the Vietnam War was not going well.

Of particular concern to the American military was the support of the Viet Cong by local villagers, who often allowed the VC to operate directly from their villages. To counteract this threat, the Army employed a “Search and Destroy” strategy, using ground forces to drive the Viet Cong from affected villages and destroy the ability of those villages to support any guerilla efforts. This frequently involved the destruction of the villages themselves. Body counts of guerilla dead were used to evaluate the success of missions.

In early March 1968, Army Intelligence issued a report to the 20th Battalion in Quang Ngai Province indicating that guerillas were operating from three local villages, including My Lai. Each was in a “Free Fire Zone,” defined by the Army as an area from which all non-guerillas had been instructed to evacuate and where any remaining persons were considered hostile. In FFZs, troops were authorized to kill or destroy any persons or property in the area. Although it had seen continuous combat and experienced substantial casualties in the prior 90 days, on March 16th the Battalion ordered Charlie Company to conduct a Search and Destroy mission to eliminate the My Lai threat. Captain Ernest Medina, its commander, was ordered to coordinate the attack who in turn ordered Lieutenant William Calley, a platoon leader, to lead the attack. At its conclusion, over 500 Vietnamese were dead

When the attack was over, 567 Vietnamese were dead and the village was totally destroyed. A year later, after photographs of the dead were published by Life Magazine, the Antiwar Movement in the US demanded an investigation of what they called the “My Lai Massacre. The Pentagon order the court Martials of Captain Medina, Lt. Calley and Charley Company Sergeant.

Each was charged with the premediated murder to civilians and if convicted would face the death penalty.

Main Legal Issues of the Case- Below are the key laws and legal issues surrounding the My Lai case:

1. *Homicide - Article 118 of the Uniform Code of Military Justice.*

Any person subject to this chapter whom without justification or excuse, unlawfully kills a human being, when such person

i. has a premeditated design to kill;

ii. intends to kill or inflict great bodily harm;

iii. is engaged in an act which is inherently dangerous to others and evinces a wanton disregard of human life; or

iv. is engaged in the perpetration or attempted perpetration of burglary, sodomy, rape, robbery, or aggravated arson;

is guilty of murder and shall suffer such punishment as a court-martial may direct, except that if found guilty under clause (1) or (4), he shall suffer death or imprisonment for life as a court-martial may direct.

1. *Treatment of Enemy Prisoners - Army Legal Manual Article 10.*

While it is lawful to kill an enemy in the heat and exercise of war, to kill such an enemy after he has laid down his arms ... is murder.

1. *Duty to Obey Orders - Army Legal Manual Article 11.*

Where an order is apparently regular and lawful on its face ... the soldier is to obey it according to its terms. Further, acts of a subordinate, done in good faith, in compliance with orders, are justifiable in which case soldiers are not held accountable for their actions.

1. *Defense to Charge of Disobeying an Order - Army Legal Manual Article 12.*

An order of a superior officer may be disobeyed when it requires an action which is a breach of law or a crime.

Summarize in your own words: What are the 4 laws that are important to this case:

1.

2.

3.

4.

Witness Statement Analysis- In any case, witness testimony is the key way information is shared with the judge and jury. These witness statements can make or break your case. Take detailed notes on each witness below.

Prosecution Witnesses in My Lai Case

|  |  |  |  |
| --- | --- | --- | --- |
| Witness Name/Title | Who are they? What role did they play in the incident or trial? | What points from their testimony helps the prosecution? | What points from their testimony helps the defense? |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

Defense Witnesses in the My Lai Case

|  |  |  |  |
| --- | --- | --- | --- |
| Witness Name/Title | Who are they? What role did they play in the incident or trial? | What points from their testimony helps the prosecution? | What points from their testimony helps the defense? |
|  |  |  |  |
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Case Briefing Paper Requirements:

Prepare a written legal brief for your side in *My Lai Case*. To receive full credit, your brief must contain the following sections:

**Total Length**: 2 pages, typed, double-spaced, 12 point Times New Roman font

**Requirements for Each Section**

**Introduction/Summary of the Facts (1 paragraph)**

* Provide background information to the case. Introduce the Vietnam War and what led up to the My Lai trial. Your reader should understand what happened in My Lai after reading this paragraph
* Give the relevant factual background of the case in a way that is honest and accurate, but that supports your side of the case (prosecution or defense).
* This paragraph should end with your thesis- or your reason why the court should rule in your favor

**Legal Argument (at least 2 paragraphs)**

* **You need to address at least 2 of the legal issues of the case on pg 2**
* One paragraph should be written for each legal issue and explain why the defendants are either guilty or not guilty
* Use evidence from the witness statements and case materials to prove your points.
* To cite or quote you just need to include that page number you found the information on. For example (pg 9). All legal research and resources that you will need are included in the case packet.

**Conclusion/Request for Relief (1 paragraph)**

In one paragraph, explain the strongest reason(s) that the court should rule in your favor. Be sure to state exactly what you hope the court decide in this case in a convincing manor

Thesis: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Teacher Approval:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Use scratch paper to write a draft of your brief.