

"Shoot first, ask questions later": Convicted Marine apologizes

Camp Pendleton, January 25: When Staff Sgt. Frank Wuterich finally spoke in court he did not address the judge but instead directed his words at the Iraqi family members who survived his squad's attacks in 2005 that left 24 unarmed civilians dead.

The 31-year-old Camp Pendleton Marine apologized for the loss of their loved ones and said he never intended to harm them or their families. He went on to tell the court that his guilty plea in no way suggests that his squad behaved badly or dishonorably.

"But even with the best intentions, sometimes combat actions can cause tragic results," Wuterich said in an unsworn statement.

The lone Marine was convicted of a single count of negligent dereliction of duty. He faces having his rank reduced but he will not go to jail as a part of a plea agreement that abruptly ended his long-awaited manslaughter trial.

Wuterich, who admitted to instructing his men to "shoot first, ask questions later," defended his order to raid homes in Haditha after a roadside bomb killed a fellow Marine. He said his aim was "to keep the rest of my Marines alive."

His sentence Tuesday ended a six-year prosecution that failed to win any manslaughter convictions. Eight Marines were initially charged; one was acquitted and six others had their cases dropped.

The plea deal that dropped nine counts of manslaughter sparked outrage in the besieged Iraqi town and claims that the US didn't hold the military accountable.

"I was expecting that the American judiciary would sentence this person to life in prison and that he would appear and confess in front of the whole world that he committed this crime, so that America could show itself as democratic and fair," said survivor Awis Fahmi Hussein, showing his scars from a bullet wound to the back.

Military judge Lt. Col. David Jones initially recommended the maximum sentence of three months for Wuterich, saying: "It's difficult for the court to fathom negligent dereliction of duty worse than the facts in this case."

Then he opened an envelope containing the plea agreement to learn its terms "as is procedure in military court" and announced that the deal prevented any jail time for the Marine.

"That's very good for you obviously," Jones told Wuterich.

Jones did recommend that the sergeant's rank be reduced to private, which would dock his pay as a result, but he decided not to exercise his option to cut it by as much as two-thirds because the divorced father has sole custody of his three daughters. The rank reduction has to be approved by a Marine

general, who already signed off on the plea deal.

Defense attorney Neal Puckett said Wuterich has been falsely labeled a killer who carried out a massacre in Iraq. He insisted Wuterich's only intention was to protect his Marines.

"The appropriate punishment in this case, your honor, is no punishment," Puckett said.

Wuterich, who hugged his parents after he spoke, declined comment on Jones' decision. Puckett and his co-counsel Haytham Faraj, said in a statement: "We believe justice prevailed for Staff Sgt. Wuterich and in turn, he wishes it was within his power to impart the same measure of justice to the families of the victims of Haditha."

Wuterich directly addressed family members of the Iraqi victims, saying there were no words to ease their pain.

"I know that you are the real victims of Nov. 19, 2005," he said.

He went on to tell the court: "When my Marines and I cleared those houses that day, I responded to what I perceived as a threat and my intention was to eliminate that threat in order to keep the rest of my Marines alive," he said. "So when I told my team to shoot first and ask questions later, the intent wasn't that they would shoot civilians, it was that they would not hesitate in the face of the enemy."

"The truth is I never fired my weapon at any women or children that day," Wuterich later told Jones.

The contention by Wuterich, 31, of Meriden, Connecticut, contradicts prosecutors and counters testimony from a former squad mate who said he joined Wuterich in firing in a dark back bedroom where a woman and children were killed.

Prosecutors argued that Wuterich's knee-jerk reaction of sending the squad to assault nearby homes without positively identifying a threat went against his training and caused needless deaths of 10 women and children.

"That is a horrific result from that derelict order of shoot first, ask questions later," said Lt. Col. Sean Sullivan.

Military prosecutors worked for more than six years to bring Wuterich to trial on manslaughter charges that could have sent him away to prison for life. But only weeks after the long-awaited trial started, they offered Wuterich the deal.

It was a stunning outcome for the last defendant in the case once compared with the My Lai massacre in Vietnam.

The Haditha attack is considered among the war's defining moments, further tainting America's reputation when it was already at a low point after the release of photos of prisoner abuse by US soldiers at Abu Ghraib prison near Baghdad.

During the trial before a jury of combat Marines who served in Iraq, prosecutors argued Wuterich lost control after seeing his friend blown apart by the bomb and led his men on a rampage, blasting their way in with gunfire and grenades. Among the dead was a man in a wheelchair.

Faraj said the government was working on false notions and the deal was reached last week when prosecutors recognized their case was falling apart with contradictory testimony from witnesses who had

lied to investigators. Many of the squad members had their cases dropped in exchange for testifying. Prosecutors have declined to comment.

Marine Corps spokesman Lt. Col. Joseph Kloppel said the deal was the result of mutual negotiations and does not reflect how the case was going for the prosecution. He said the government investigated and prosecuted the case as it should have.

Wuterich plans to leave the Marine Corps and start a new career in information technology. His lawyers said they plan to petition for clemency.

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