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IRAQ: Can civilian jurors understand combat decisions?



Former Marine Sgt. Jose Nazario goes on trial Tuesday in U.S. federal court for the alleged killing of four Iraqi prisoners during the battle for Fallouja in November 2004.

It marks the first time a federal law has been used to prosecute a former Marine or soldier for actions taken during combat. Nazario's supporters doubt that civilians can possibly understand the mayhem and trauma of combat to render a fair verdict.

"My nightmare is 12 soccer moms [on a jury] trying to understand rules of engagement, 'hostile-intent' and all the other things that confront a Marine in combat," said Kevin McDermott, one of Nazario's lawyers.

Nathaniel Helms, Vietnam veteran, author and military blogger, is worried that prosecutors will make Fallouja sound less chaotic than it was.

On the blog www.defendourmarines.com, he wrote:

"In reality, the situation was far from the calm, organized environment the government prosecutors apparently intend to present to the oblivious civilian jury. The fighting was so fierce that the (3rd battalion, 1st Marine regiment) Battalion Aid Station received 197 combat casualties out of the 1,250-man reinforced battalion during the first 96 hours, according to Marine Corps records."

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Many wounded Marines had to wait an hour or more to be evacuated because insurgents were attacking the roads and the aid station. Also, Marine brass changed the rules of engagement in mid-battle to allow Marines to shoot unarmed insurgents who were thought to be running to a spot where they could pick up weapons, Helms writes.

Read more on [the Nazario case](#).

– Tony Perry, in San Diego

Photo: Former Marine Sgt. Jose Nazario. Credit: Associated Press



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This should be tried in a military court. At least these soldiers would have a jury of their peers. Having a bunch of rich lawyers and rich judges - who never saw the inside of a uniform, who never saw bullets flying over their heads - try this case doesn't seem like justice.

At least not American justice.

Posted by: [josh](#) | **August 23, 2008 at 06:16 AM**

When somebody is tried for armed robbery, nobody demands that an armed robber be a member of the jury. This case should really be tried in an Iraqi court.

Posted by: [RichP](#) | **August 21, 2008 at 03:40 PM**

As a former Marine and current police officer, I can't help but sympathize with the position that this fellow Marine has been thrust into. The Soldiers, Sailors, Marine and Airmen are the ones wielding the sword of our country and big business. They may or may not agree with why they are there but they all volunteered. If it wasn't for volunteers. There would be a draft. Which would never happen, since the middle class and lower class have been give that privilege of serving our country.

It is a new day and age when our troops are being prosecuted in a civilian court for

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