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DEFEND OUR MARINES EXCLUSIVE

MURTHA FACES TRIPLE-WHAMMY FROM SLANDERED MARINES

Sharratt, Chessani, and Wuterich plaintiffs

by Nathaniel R. Helms | September 25, 2008 |

Marine Corps Staff Sergeant Frank Wuterich will soon get his day in the United States Court of Appeals to present oral arguments regarding a lower court decision compelling Congressman John Murtha to explain why he called the decorated infantryman and his squad “cold blooded” murderers, according to a court order.

Wuterich is scheduled to appear on November 18 before a panel of judges who will decide whether Murtha must make himself available for a deposition.

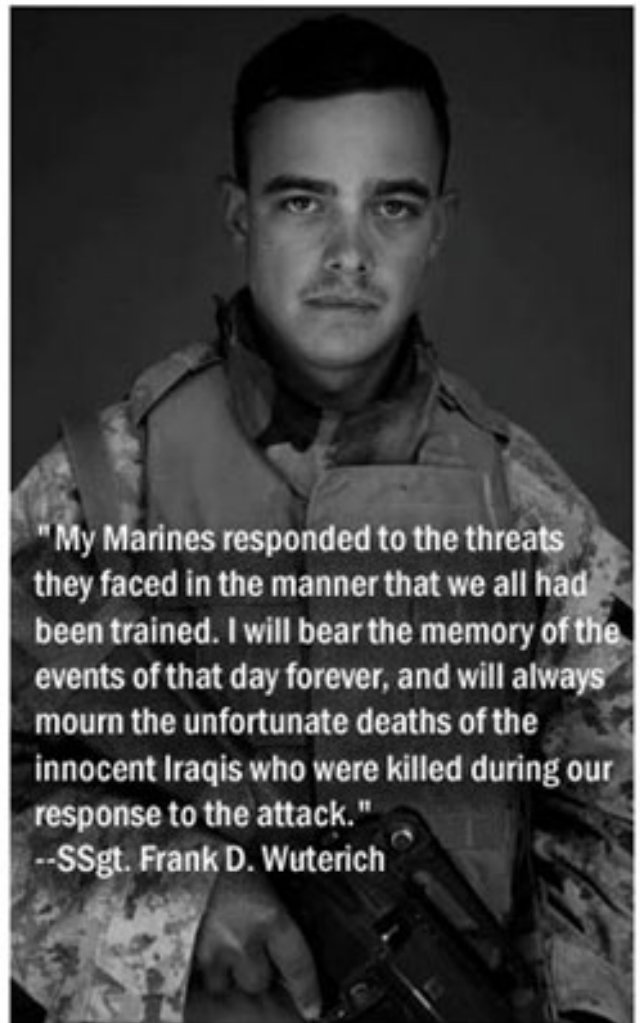
On Thursday morning, LCpl Justin Sharratt, a member of Wuterich’s squad, sued Murtha in US District Court in Pennsylvania for slander and violating the veteran Marine's right to a fair trial and due process . Sharratt is represented by Pittsburgh lawyer Noah Geary. (See *previous article at the [link.](#)*)

Wuterich, 28, is currently in legal limbo at Camp Pendleton, California, waiting to face general court martial for manslaughter, aggravated assault and related charges. His court-martial is on hold while government prosecutors settle a side dispute in the US Court of Appeals for the Armed Forces with the CBS television network over video outtakes it wants and so far can’t have.

Before Murtha stopped condemning the Marines in public during the summer of 2006, he variously said he learned of the alleged murders from former Marine Corps Commandant General William W. Hagee, during command debriefings, and/or *Time* magazine reports.

The *Time* magazine reports he cited were written by Tim McGirk, who wrote for the March 19, 2006 issue that a squad of Marines from Kilo Company, 3rd Battalion, 1st Marines murdered 24 innocent Iraqi citizens in retaliation for a roadside ambush.

On national television Murtha accused a squad of Marines led by Wuterich of cold-blooded murder and war crimes during the Haditha incident. Wuterich sued Murtha for libel and invasion of privacy over his comments.



On August 2, 2007 Washington, D.C.- based attorneys Neal Puckett and Mark Zaid filed suit in US District Court on his behalf, arguing that Murtha tarnished the Marine's reputation by claiming publicly he was leading a squad of unbridled killers. Murtha told several television news reporters that Wuterich's unit went berserk after a roadside bomb killed one of its members on November 19, 2005 and "killed innocent civilians in cold blood." Murtha also said repeatedly that the incident was covered up by Wuterich's officers.

Zaid was unavailable for comment Thursday, but will elaborate on the order Friday, he said.

On September 29, 2007 a federal judge ordered Murtha (D-Pa.) to testify in the defamation case. That order is being fought by the Justice Department.

U.S. District Judge Rosemary M. Collyer told Justice Department lawyers representing Murtha for free that she wanted the powerful 18-term Pennsylvania Congressman to explain why he made those statements and to provide the court any documents he has related to the incident.

'You're writing a very wide road for members of Congress to go to their home districts and say anything they choose about private persons and be able to do so without any liability. Are you sure you want to do that?' Collyer said.

The Justice Department appealed Collyer's decision, arguing the case should be dismissed because Murtha was acting in his official role as a lawmaker. Assistant U.S. Attorney John F. Henault said the comments were made as part of the debate over the war in Iraq.

On June 19, 2008, former 3/1 battalion commander Lt. Col Jeffrey Chessani gave notice he is considering whether to sue Murtha as well. Charges of dereliction of duty and orders violations against Chessani were dismissed in June after the presiding military judge ruled he was the victim of unlawful command influence.

The Marine Corps is appealing that decision

In an interview with nationally syndicated radio talk host Michael Savage, Brian Rooney, the lead attorney for Chessani, said his client will look into suing Murtha and McGirk.

Rooney told the syndicated talk show host McGirk was duped by an insurgent propaganda agent.

Two months later, on May 17, 2006, Murtha told CNN he had learned of the alleged massacre from "the highest levels of the Marine Corps" there was no firefight and Marines "killed innocent civilians in cold blood."

"All the information I get, it comes from the commanders, it comes from people who know what they're talking about," Murtha told reporters at the time.

A Marine Corps spokesman quickly denied that any Marine was party to Murtha's characterization of events at Haditha.

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Note: *Nat Helms is a Contributing Editor to **Defend Our Marines**. He is a Vietnam veteran, former police officer, war correspondent, and, most recently, author of [My Men Are My Heroes: The Brad Kasal Story](#) (Meredith Books, 2007).*



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