Marine investigator testifies officer should have probed Haditha killings

by Rick Rogers

CAMP PENDLETON, Calif. - A Marine investigator Monday said Capt. Randy Stone could have done a better job scrutinizing Camp Pendleton Marines who killed 24 Iraqis, but that his failings weren't criminal.

Marine Col. John Ewers said "there was plenty of responsibility to go around" for the thin questioning of the Nov. 19, 2005, incident in Haditha, Iraq.

Ewers testified on the sixth day of a pretrial hearing at Camp Pendleton for Stone, who was a legal officer for the 3rd Battalion, 1st Marine Regiment at the time of the killings. Stone and three other officers are accused of dereliction of duty for allegedly not probing the deaths enough.

In addition, three enlisted Marines face charges of murder for killing the Iraqis with their rifles and grenades.

Prosecutors have portrayed the incident as a massacre by Marines who became enraged after a roadside bomb killed one of their squad members and injured several others. The defendants' attorneys have said their clients followed the military's rules of engagement in firing at five men they thought were insurgents and then attacking 19 people in several homes after hearing gunfire from the houses.

During the past week, a few witnesses in Stone's pretrial hearing have suggested that about eight of the slain Iraqis were insurgents.

The court proceeding, which is similar to a grand jury investigation, allows prosecutors and defense lawyers to present evidence to an investigating officer. That officer will recommend whether Stone should undergo a court-martial.

If convicted, Stone could be sentenced to two years in the brig and receive a dishonorable discharge from the Marine Corps.

Although Ewers said he didn't think Stone was a criminal, he also didn't give the defendant a sterling endorsement.

"He did not cover himself with glory as far as being a judge advocate," Ewers testified. "But without being asked by his commander to conduct an investigation, I don't think it rose to the level of criminal dereliction."

Ewers said the 3rd Battalion's commander, Lt. Col. Jeffrey Chessani, didn't "fully utilize" Stone as a legal officer. Chessani attended much of Monday's hearing.

Ewers said he was astonished by the lack of an investigation into the Haditha incident. The senior Marine officers, he testified, justified their position by prematurely accepting rank-and-file Marines' explanations that the Iraqis' deaths resulted from legitimate combat action.

In other testimony Monday, Maj. Samuel Carrasco, the former operations officer for the 3rd Battalion, said he and a fellow staff officer asked Chessani in late January to start a Haditha investigation.

Carrasco testified that Chessani became emotional when he heard about a Time magazine reporter's inquiries concerning the killings.

"My men are not killers!" Carrasco remembered Chessani shouting. "I think there was frustration that (the reporter) was coming out to examine the battalion's actions. More importantly, there was disbelief. But that did not mitigate our responsibility to investigate."

Carrasco said he left the meeting believing that Chessani would look into the allegations of a massacre.

"'If any of these allegations happened,' I said, 'things were going to get bad fast,'â€š" Carrasco testified.

But Chessani didn't launch a probe.

"When the Time article came out" in March, Carrasco said, "the cyclone hit."

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