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## The Nation: The Clamor Over Calley: Who Shares the Guilt?

LEUT. WILLIAM CALLEY'S secretary, Mrs. Shirley Sewell, had just come back to his apartment with the 1971 tags for Calley's Volkswagen and motorboat. Calley had just got up from a nap when Captain Brooks Doyle Jr., his young deputy military counsel, walked through the door. "They've got a verdict, Rusty," Doyle said. Calley stopped in his tracks, his face a mask of fear, his right fist pounding into his left palm. "So they're finally ready," he mumbled, turning into the bedroom to don his Army greens. Half an hour later, Calley walked shakily before the six-man jury, saluted and heard the verdict: on three counts, guilty of premeditated murder of at least 22 Vietnamese civilians; on the fourth count, guilty of assault with intent to commit murder on a child approximately two years old.

Ashen, Calley marched off to the Fort Benning stockade. The next afternoon he was back before the court-martial to make a final statement before sentencing. Choking back tears, occasionally gasping for breath, Calley spoke first strongly, then in a breaking voice. "Yesterday you stripped me of all my honor. Please, by your actions that you take here today, don't strip future soldiers of their honor." Captain Aubrey M. Daniel III, 29, Calley's brilliant, tenacious prosecutor, followed. "You did not strip him of his honor," Daniel told the jury. "What he did stripped him of his honor. It never can be honor to kill unarmed men, women and children. We know that you will arrive at an appropriate sentence." The next day Calley made his final appearance in the courtroom. Looking up at 55 e0e occasionally, Colonel Clifford Ford, president of the jury, read out the formal phrases of the sentence: ". . . confined at hard labor for the length of your natural life . . . dismissed from the service . . . forfeit all pay and allowances." Quietly Calley replied: "I'll do my best, sir." Later he telephoned his secretary, who was on the edge of tears. "Listen, sugar," said Calley, "don't break down on me now."

Even after months of grisly testimony, the jury's stern judgment came as a shock. It was as though the verdict had finally brought the ultimate horror of My Lai home to Americans, and acceptance of that horror was agonizing. The widespread initial reaction to My Lai—that no American soldier could have done such a thing—in many cases changed to the notion that Calley had only been doing his duty. In a new book called *Sanctions for Evil*, the title of one chapter sardonically sums up the horrendous confusion: "It Never Happened and Besides They Deserved It." With an astounding, indeed sickening distortion of moral sensibility, many

Americans tried to turn Calley into a hero. Many others sought refuge in the oversimple conclusion that Calley was merely a scapegoat. Some echoed the argument of Calley's chief defense counsel, George Latimer, that the Army sent Calley to Viet Nam to kill and should not punish him for doing precisely that. Says Harvard Sociologist Nathan Glazer: "Who is at fault? The people who gave the orders or the people who fought? This question will dominate American politics for the next ten years."

## Battle Hymn

Much of the sympathy for Calley seemed to be centered in the South and in the Midwest, and some of the forms it took bordered on sedition. Indiana's Governor Edgar Whitcomb, a World War II veteran, ordered all flags on state property flown at half-mast in protest against the verdict. Alabama's Governor George Wallace paid a twelve-minute call on the lieutenant en route to a pro-Calley rally that was also attended by Mississippi's Governor John Bell Williams and Georgia's Lieut. Governor Lester Maddox. Draft boards in Athens, Ga., and Huron County, Mich., resigned en masse.

A South Georgia sheriff, L.W. ("Gator") Johnson, said that he would not arrest AWOL soldiers; "I'll protect them any way I can until this Calley thing is cleaned up," he declared. In Austin, Texas, the Statesman ran a scornful front-page editorial titled "Obituary U.S. Army"—and sold out the issue. "The death was announced by a general court-martial of six men," the editorial said. "Pallbearers will include Senators Fulbright, Kennedy and McGovern. Honorary pallbearers will include Moratorium marchers." The Texas senate called for a presidential pardon. Atlanta Printer Sam Yalanzon had takers for FREE CALLEY bumper stickers as fast as he could turn them out. Two radio stations in North Carolina and one in Roswell, N. Mex., announced that they would suspend broadcasts of Army public-service messages.

Some veterans of Viet Nam and earlier wars were especially vehement in their response to the Calley verdict. In St. John, Mo., a suburb of St. Louis. Robert Whitaker, 75, and a World War I veteran, flew his American flag upside down and at half-staff. In Cushing, Okla., two veterans of both World War II and Korea tried to surrender to police for their own war crimes. Said one of them, Stanley Gertner, a former Marine master sergeant: "If this man is guilty, he is guilty for the same thing we did. We shot up villages under orders and killed countless civilians." Cushing police put the two men in jail and then telephoned the provost marshal at Fort Sill, who explained that he had no jurisdiction; both men were released. Retired Major General Raymond Hufft, a much-decorated Louisianan, said that at the time he led his battalion across the Rhine in World War II he gave orders to shoot anything that moved. "If Germany had won," he said, "I would have been on trial at Nuremberg instead of the krauts." In Anchorage, Alaska, Glen Roberts turned in to the local Army recruiter the Bronze Star he had won in Viet Nam.

Just before an impromptu demonstration at Fort Benning on the second of the three nights Calley spent in the stockade, the Rev. Michael Lord told a rally in the nearby Columbus Memorial Stadium: "There was a crucifixion 2,000 years ago of a man named Jesus Christ. I don't think we need another crucifixion of a man

named Rusty Calley." The demonstration passed the stockade, and Calley said later: "The crowd out there really turned me on. I slept better last night."

None of the pro-Calley gestures topped in inanity a recent record on the Plantation label, *The Battle Hymn of Lieutenant Calley*, which reportedly sold 202,000 copies in the first three days after the verdict. After a voice-over about "a little boy who wanted to grow up and be a soldier and serve his country in whatever way he could," the song begins:

My name is William Calley, I'm a soldier of this land,

I've vowed to do my duty and to gain the upper hand,

But they've made me out a villain, they have stamped me with a brand,

As we go marching on . . .

Michael Brower, first vice chairman of the Massachusetts Americans for Democratic Action, spoke for those who wanted the nation's leaders put in the dock along with Calley. "The guilt of My Lai runs up the chain of command into the White House," he said. "The Army is trying to sacrifice one or two low-level officers as token scapegoats." The most extraordinary demonstration against the verdict from the antiwar side was staged in Manhattan's Wall Street by the Viet Nam Veterans Against the War. Smack in front of the New York Stock Exchange, a dozen veterans in fatigue jackets passed out leaflets next to a big white van showing a film of American atrocities in Viet Nam. John Kerry, a former gunboat skipper who won a Silver Star in Viet Nam and was wounded three times, read a prepared statement: "We are all of us in this country guilty for having allowed the war to go on. We only want this country to realize that it cannot try a Calley for something which generals and Presidents and our way of life encouraged him to do. And if you try him, then at the same time you must try all those generals and Presidents and soldiers who have part of the responsibility. You must in fact try this country."

The Calley jurors—all up-from-the-ranks officers, all combat veterans, all but one of whom fought in Viet Nam—defended their unanimous verdict. Said Major Charles McIntosh: "It had to be done. Somebody had to do it. We were the six." Said Major Walter Kinard: "We looked for anything that would prove Lieut. Calley innocent. We gave Lieut. Calley every benefit of doubt." Somberly Major Harvey Brown confessed: "I wanted to believe it didn't happen, that it was a hoax. I'll have to live with this verdict the rest of my life."

### Nuremberg Standards

Thus far, Calley is the only man involved in the My Lai affair to be convicted by a court-martial. In all, 25 officers and enlisted men have been charged with various offenses in connection with the incident. Army Chief of Staff William C. Westmoreland, commander of U.S. forces in Viet Nam at the time of My Lai, recently

recommended administrative punishment—demotion by one grade—for Calley's division commander, Major General Samuel Koster, and his assistant, Brigadier General George Young Jr., for failing to report the incident. General Koster was also officially censured. Those relatively minor strictures against general officers, compared with the harsher treatment of a young platoon leader, made the Army vulnerable to the suggestion that it had singled Calley out to carry the can for My Lai. Two sergeants in Calley's company were court-martialed for assault with intent to commit murder and acquitted.

Only three men, all officers, still have charges pending against them. Colonel Oran Henderson, Calley's brigade commander, is accused of helping to cover up the massacre; pretrial hearings in the Henderson case began last week. Captain Eugene Kotouc, a member of Calley's task force, is charged with assault and maiming. Calley's immediate superior, Captain Ernest Medina, still faces charges of murder and assault; he denied under oath giving Calley and his men orders to "waste" the village of My Lai. Calling the Calley verdict "very harsh, very severe," Medina announced that if he is acquitted in his own court-martial, he will resign, because the My Lai incident—although not his own actions—disgraced the uniform. He added: "You can't apply the standards of World War I and World War II to the war in Southeast Asia. If you're going to try to convict an infantry lieutenant and an infantry captain, and you apply the same standards as Nuremberg, then we should take a hard look at the situation. The guilt will have to go all the way up."

Just how far up the guilt must go—or just how widely across the nation—is indeed the central question raised by the Calley case. Along with it come a host of other questions, many of which may seem like ghastly, hairsplitting attempts to measure the unspeakable, to calibrate degrees of horror. Yet precisely such questions must be answered in any attempt to reach moral conclusions. Calley, for one, was notably ill-equipped to cope with these issues. At his trial he testified that he had never been instructed that he should refuse to obey an illegal order.

### The Laws of War

Amid the furor over Calley's sentence, few Americans were clear about the "laws of war" under which he was convicted. Many found the phrase absurd. War, after all, sanctions acts that civilians label crimes—arson, murder, kidnaping. "The soldier who kills a man in obedience to authority is not guilty of murder," wrote Gratian, the 12th century founder of canon law. Still, this immunity has to be regulated. All armies have at times stooped to atrocities: the Germans (Lidice), the Japanese (Nanking), the French (Algeria), the British (India, Ireland in 1916), the Americans (against Indians and Filipinos), the North Vietnamese (Hue) and the Viet Cong (Dak Son). As C.P. Snow once remarked: "More hideous crimes have been committed in the name of obedience than have ever been committed in the name of rebellion."

For at least 800 years, men have tried to control war's excesses by transforming the rules of knightly chivalry into modern prohibitions against needless military cruelty. The laws of war, first codified by the U.S. Army in 1863, were used against Confederate Captain Henry Wirz, who was hanged in 1865 for letting nearly 14,000 Union prisoners die in Andersonville prison camp. In one of the early prosecutions of a U.S. officer, Brigadier

General Jacob Hurd Smith was tried in 1902 for ordering a My Lai-style massacre during the Army's anti-guerrilla campaign in the Philippines—an era when troopers sang "Damn, damn, damn the Filipinos, civilize them with a Krag."

The laws of war were strengthened by the multi-nation Hague and Geneva conventions (safeguarding prisoners and noncombatants), both of which are U.S. law by virtue of Senate ratification. The key theme is proportionality: armies may not go beyond strict military requirements. The purpose is practical as well as humane: indiscriminate killing demoralizes armies, turns civilians into guerrillas, and endangers soldiers captured by an incensed enemy. According to U.S. Army Field Manual 27-10 (The Law of Land Warfare), the law "requires that belligerents refrain from employing any kind or degree of violence which is not actually necessary for military purposes, and that they conduct hostilities with regard for the principles of humanity and chivalry."

Thus "war crimes" are violations of specific—and fragile—taboos. Though a soldier may kill any enemy civilian who seeks to attack him, for example, he may not deliberately harm those who do not. The rules protect defeated enemy troops, the wounded, parachuting airmen and other helpless people. Forbidden weapons include dum-dum bullets and poison. Forbidden targets include hospitals, churches, museums and coastal fishing boats unless used for military purposes. Torture, looting and political assassinations are banned. Reprisals are permitted against illegal enemy acts, but only on orders from top commanders and never against civilians, who may not be punished without trial before a court. Civilians may be removed from their homes for imperative military reasons, but they must be returned as soon as local combat ends. They may not be used to protect combatants, whether by placing them inside military objectives (a Viet Cong tactic) or by forcing them to precede troops across minefields, a practice that Calley admitted to without a qualm.

### Moral Choice

With no international police or legislature, laws of war are mainly enforced by custom and the violators' own military courts. They have doubtless saved millions of lives. If observing them threatens to bring defeat, however, they are likely to be ignored. The big loophole is "military necessity." Though not a legal defense against specific prohibitions, says the Army manual, military necessity can justify any other acts deemed "indispensable for securing the complete submission of the enemy as soon as possible." In short, this authorizes the use of any tactics and weapons that the law has not caught up with—napalm, for example.

A lesser loophole involves "superior orders," a legal defense that 19th century military disciplinarians strengthened by insisting that superiors were never wrong. Two world wars weakened it. The Nuremberg Trial of Nazi leaders after World War II revived an ancient tenet of Western thought: a higher law sometimes requires men to give their primary allegiance to humanity rather than the state. Though 22 Nazi leaders pleaded "state orders," 19 were convicted and ten of these were hanged. About 10,000 lesser defendants were tried for war crimes throughout the world between 1945 and 1950. Nuremberg was aimed at top policymakers, upon whom it imposed liability for two new offenses under international law. These were "crimes against

peace," such as waging aggressive war, and "crimes against humanity," such as mass murder and similar malevolent policies on the Hitlerian scale.

To skeptics who criticized the ex post facto nature of those restrictions, Nuremberg mainly proved that losing a war had become a crime under international law. Few recalled that some Allied leaders had wanted no trials—just summary executions. Nuremberg also produced a new U.N.-approved rule of civilized behavior: "The fact that a person acted pursuant to order of his government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him." The U.S. Manual of Courts-Martial is blunter: a soldier must disobey an order that "a man of ordinary sense and understanding would know to be illegal."

### Legal Orders

Is it realistic to expect combat soldiers to make moral choices? Every recruit learns the Army's basic rule: instant obedience, a lifesaver in battle. Under military law, in fact, a man who refuses to follow an order is deemed guilty of that offense until he proves the order was illegal at his subsequent court-martial. The defense rarely succeeds. Disobedience in combat is even riskier: more than one soldier who has defied an order in battle has been executed on the spot, although this practice is not authorized by the military code.

Still, difficult though it may be, the serviceman does have a moral choice, as well as a legal duty, to question unlawful orders. Surely officers in particular are expected to understand and enforce the laws of war. Calley claimed that Captain Medina gave orders to kill all My Lai villagers, presumably including women and children. Medina flatly denied this. Whatever the facts, Calley's claim gets short shrift from Columbia Law Professor Telford Taylor, who served at Nuremberg as chief counsel to the prosecution, with the rank of brigadier general. Writing in this week's LIFE, Taylor comments: "Such an order would be so flagrantly in violation of the laws of war, to say nothing of common humanity, that Calley could hardly have taken it as seriously intended unless it was in keeping with his prior military experience. If it was in keeping, he might well have done as he did without any explicit instructions from Medina. If not, the order should have at least puzzled and disturbed him, which plainly was not the case." Colonel Robert Rheault, former commander of U.S. Special Forces in Viet Nam, makes a different point. "Calley is guilty of murder," says Rheault, himself a onetime (never tried) murder suspect in the famous 1969 Green Beret triple-agent case. As an expert on anti-guerrilla warfare in Viet Nam, Rheault told TIME last week: "Nobody ever had a policy of mowing down women and children. Our policy was to protect women and children as much as possible."

Still, the colonel concedes that "perhaps the policy wasn't strong enough." Therein lies the problem: in Viet Nam, a man of "ordinary sense" may often be unclear whether his orders are legal or illegal. To be sure, every G.I. arriving in the country receives a wallet card listing forbidden war crimes and related acts, including torture, looting and mutilation. At the time of My Lai, those orders insisted: "All persons in your hands,

whether suspects, civilians or combat captives, must be protected against violence, insults, curiosity and reprisals of any kind."

Despite the rules, distinctions between lawful conduct and atrocities tend to blur in a no-front war against guerrillas who look exactly like civilians —and are sometimes women or even children armed with hand grenades. The tension of being feared and hated in a remote, racially different Asian country has pushed many Americans toward a tribalistic logic—all "gooks" are enemies and therefore killable. To Calley, for example, the civilians who were massacred were not real people. A psychiatric report, never seen by anyone but the judge and the defense during the trial, described his state of mind: "He did not feel as if he were killing humans, but rather that they were animals with whom one could not speak or reason."

Though no other My Lai-scale massacre has yet been revealed, Americans have committed a disturbing number of atrocities in Viet Nam. Many offenders have been strictly prosecuted. In 1 Corps in 1968, for example, seven Marines summarily hanged a Viet Cong suspect and shot two others to death. At a court-martial, one defense lawyer argued that his client had gone through "hell" after seeing Marine bodies "burned and tortured, some with their testicles cut off." Nonetheless all seven Marines were convicted and imprisoned, one for life.

The Army has never suggested that the enemy's atrocities justify those by Americans. In practice, though, military courts sometimes follow the unofficial "mere gook" rule, which devalues Vietnamese lives. One Army captain was accused of murder after ordering a trooper to shoot a captured Viet Cong. The court was told that he had commanded: "I don't care about prisoners. I want a body count. I want that man shot." Nevertheless the captain was acquitted.

In a widely discussed case last spring, Army Lieut. James Duffy was tried for ordering his sergeant to kill an ARVN deserter and record him as a Viet Cong suspect. Justifying his action, Duffy explained: "I know in my case, platoon leaders never got any guidance on treatment of prisoners. The only thing we ever heard was to get more body count, kill more V.C. If you didn't have a lot of body counts, they would think you were a poor unit." The military jurors convicted Duffy of premeditated murder —then were dismayed to find that he faced a mandatory sentence of life imprisonment. As a result, the jury swiftly reduced the charge to involuntary manslaughter. Sentence: six months' imprisonment.

### A Strategy of Refugees

Many returned veterans have described unpunished—and allegedly routine—war crimes in Viet Nam: amputating ears for trophies, electrical torture during interrogation, pushing prisoners out of airborne helicopters. The usual explanation claims a kind of collective irresponsibility, the moral confusion of anti-guerrilla warfare. Who is responsible?

To avoid national mobilization and save lives—U.S. lives—the Johnson Administration chose a fateful Army strategy in Viet Nam. Instead of massive infantry occupation with painstaking efforts to befriend the

Vietnamese, the strategy called for physical removal of the rural population from the countryside, the guerrillas' "fish-in-water" base. People were warned by leaflets or loudspeakers to leave; all those remaining were presumed to be enemies and subject to attack in "free-fire" zones. Air raids, artillery shelling and chemical crop destruction ensued. There followed search-and-destroy infantry sweeps, including gunship bombing and "Zippo" burning of villages from which troops had received sniper fire.

As a result, 5,000,000 people—nearly a third of South Viet Nam's population—have become refugees. Many, slow to leave ancestral homes, have become victims of U.S. firepower and received grimly inadequate treatment in provincial hospitals and refugee centers. The Senate Subcommittee on Refugees estimates 1,000,000 civilian casualties, including 300,000 deaths.

Do any of these tactics violate international law? The 1949 Geneva Convention says: "Individual and mass forcible transfers are prohibited regardless of their motive." The same document also states that "persons taking no active part in the hostilities shall in all circumstances be treated humanely." Among specific prohibitions: "collective penalties," such as burning villages that may harbor guerrillas. Moreover, the 1907 Hague Convention prohibits "the attack or bombardment, by whatever means, of towns, villages, dwellings or buildings which are undefended." Thus a B-52 bomber raid that strikes defenseless, invisible people below is no more lawful than Calley's gunning down of villagers standing in front of him. But if the planned target is militarily defended, the legal situation is different.

#### Yamashita v. Westmoreland

No Axis leader tried after World War II was convicted of crimes involving the unrestricted bombing of defended civilian populations. The Allies had done the same thing in order to destroy enemy industrial centers. Today the U.S. may be hard put to justify the fire-bombing of Dresden or the atomic destruction of Hiroshima and Nagasaki, all of which seem less necessary in retrospect than they did at the time. But so far, bombing a defended city is not a specific war crime. Given the goal of saving U.S. troops' lives (the rationale for Hiroshima), it can still be called a military necessity. In North Viet Nam, moreover, U.S. bombing was a model of purposeful restraint because President Johnson imposed strict restrictions and almost personally ran the operations.

On balance, while most people who charge the U.S. with "war crimes" use the term loosely, U.S. practices in South Viet Nam are suspect. Moreover, there are troubling legal precedents set by the Tokyo trial of Japanese leaders after World War II. One defendant was Koki Hirota, Foreign Minister during Japan's 1937 "rape" of Nanking. Though Hirota had protested the atrocities, the Tokyo tribunal found him guilty of not "insisting before the Cabinet" that they be halted immediately. Hirota received a death sentence and was executed. Where does this leave U.S. Cabinet officers?

A U.S. military tribunal in Manila did something even more questionable in the case of General Tomoyuki Yamashita, commander of Japanese forces in the Philippines near the war's end. Yamashita was found guilty of

failing to stop his army from committing various atrocities, including the killing of 25,000 unarmed civilians. In fact, he had been holed up in northern Luzon, unable to control or even communicate with most of his men. Even so, the U.S. Supreme Court upheld his conviction on the dubious assumption that he had had power to stop the atrocities and therefore, as commander, he had been responsible for his army's conduct. In sharp dissent, Justice Frank Murphy wrote: "The fate of some future President of the United States and his chiefs of staff and military advisers may well have been sealed by this decision."

### My Lai's Basic Issue

Yamashita was executed—perhaps for the sake of a good principle (command responsibility) but surely with scant regard for the evidence. Is his fate, as many now suggest, a precedent for prosecuting American generals—say, William C. Westmoreland, U.S. commander in Viet Nam at the time of My Lai? Clearly, the Yamashita decision is part of U.S. law until the Supreme Court or Congress amends it. Unlike Yamashita, moreover, Westmoreland had superb communications with his troops. But even if he is prosecuted for My Lai, which seems totally unlikely, a modern court-martial would unquestionably require detailed proof that Westmoreland had had actual knowledge or reason to know that Calley-style acts were likely to occur, and that he had failed to take reasonable steps to ensure compliance with the laws of war. "I feel no guilt," said Westmoreland last week. "My orders were that all atrocities would be reported and investigated according to the rules of the Geneva Convention, and it is our obligation to follow through and punish those atrocities."

The conduct of the whole war, of course, is a basic issue of My Lai, but the judicial process can scarcely cope with it. To be sure, further responsibility for the My Lai disaster should be established by trials of some of Calley's superiors. The big picture, though, may never be illuminated by a court. Military courts, for example, may not try men who have left the service or even compel their testimony to much avail. Also, it is impractical to ask a military jury of career officers to judge command practices in Viet Nam when their verdict could affect their chances of promotion and the morale of the whole Army. Calley's jurors dealt solely with his case; that was a tough enough task.

It is equally impractical—absurd, in fact—to envision some other kind of U.S. court staging a neo-Nuremberg war-crimes trial with Robert McNamara, Dean Rusk or Lyndon Johnson in the dock. It is one thing to say that such civilian leaders bear major responsibility for the war and the course it took, but quite another to expect legal judgment on such issues. Beyond that, clearly, none of those men are open to Nuremberg charges of "crimes against peace" and "crimes against humanity." All sought quite the opposite ends in Viet Nam, and intent is crucial in law. All believed that the U.S. was repelling an aggressor, upholding the Nuremberg principles and fighting a "just war"—the kind defined by St. Thomas Aquinas as aimed at "a good to be affected or an evil to be avoided." All sincerely believed that their policies would save lives and shorten the war. They turned out to have chosen the wrong means. That was not a crime that any court can remedy; it was a tragic blunder.

For the American military, there is no easy exit from either the specific problems created by My Lai or the broader debate over how the war in Indochina has been conducted. The Calley verdict could create serious practical problems of command discipline. Already at Khe Sanh, there is a defiant sign: "A" TROOP, 15T OF THE 15T CAV, SALUTES LT. WILLIAM CALLEY. Many of the enlisted infantrymen in Viet Nam agree. Says one, a member of Calley's old Americal Division: "The people back in the world don't understand this war. We were sent here to kill dinks. How can they convict Calley for killing dinks? That's our job."

On a more elevated level, James M. Gavin, a retired lieutenant general who was a distinguished paratroop commander in World War II, warns that "junior officers are bound to feel that they're carrying the terrible burden of the war, that the buck stops with them." The point has been distorted. A London Daily Express cartoon showed an Asian Communist horde charging a lone G.I., who turns to his civilian lawyer and asks: "Is it legally O.K. to shoot?" In Viet Nam, a common G.I. graffito reads: "Before you shoot you must 1) check Charlie's ID card, 2) pull down his pants to make sure he's an adult male, 3) be sure to have ten witnesses to testify at your court-martial."

Many officers in Viet Nam think that the Calley case need not damage the military. They recall the fact that even during extreme stress a good commander can keep his men pretty well under control. First Lieut. Edward Tobin Jr., a West Point graduate, stresses the much-ignored fact that other officers driven to the edge of endurance did not turn into Calleys. "My platoon has been in similarly dramatic situations and I didn't have any trouble holding them in restraint." First Lieut. Ralph Driggers is not quite so sure. "In the field, it seems like it's them or you," he says. "My people are more inclined to shoot first and ask questions later. It's my job to stop them, but things have happened a lot of times." Says Tom Schmitz, a lieutenant in the Americal Division: "Calley deserved it. I am a soldier and I was sent here to fight Communist soldiers, not kill women and children. I have felt the pressure of the My Lai incident since I got here, but I don't feel restricted, and I certainly don't feel it has endangered any of my men." At Long Binh last week, SP/4 Jimmy White, 20, of Columbia, Tenn., just back from a month in combat, told TIME: "Since word about Calley got out, everybody's been watching a lot closer what he shoots. That's one good thing about the incident. Everybody's definitely more careful now."

That the court-martial took place at all earns some credit for the Army (and the U.S.), though once news of the massacre was out, legal action would have been difficult to avoid. To John Herz, professor of political science and international law at the City University of New York, Calley's conviction is "one of the most courageous acts" in the life of the nation. Says Herz: "The case represents one of the few times in modern history that a government has seriously attempted to deal with its own national crimes." France's *Le Figaro* concurred: "To carry out this trial publicly and in time of war does honor to the American nation. One has not yet heard of a trial of Viet Cong who filled the wells and craters of Hue with the corpses of men, women and children."

To Harvard Psychiatrist Robert Coles, the Calley trial "may be the first time in history that a great, powerful nation has gone through this kind of self-criticism and befuddlement and introspection and turned upon itself

in a way. It is remarkable that this can happen in this country in the middle of a war. I really don't feel that many democracies of the West are capable of this kind of self-criticism."

Such self-criticism is excruciating. Roy McDonald, a young Atlanta businessman, observes: "Our boys in Viet Nam have spoiled for me the feeling I've always had that Americans are nicer than other people—the good guys, who are in the right and win wars." Ironically, Presidential Aide Henry Kissinger, German-born and a refugee from Nazism, pointed to this national failing in his 1960 *The Necessity for Choice*: "Nothing is more difficult for Americans to understand than the possibility of tragedy."

The tragic reality of My Lai and what it stands for is being avoided in two ways. One is by concluding that the fault is universal and therefore requires a universal bath of guilt, comforting in its generality. The other is by pretending that what happened was necessary and even commendable. The first view insists on the original sin of American Viet Nam policy and holds that Presidents should go to jail. Apart from having obvious legal flaws, the "we-are-all-guilty" position presents a moral trap: if everyone is guilty, no one is guilty or responsible, and the very meaning of morality disintegrates.

The other view, that Calley only did his duty, is equally untenable. It is one thing to sympathize with him or to hold that others are culpable as well; it is quite another to deny the difference between killing an armed guerrilla and mowing down old men, women and children. Even amid horror, distinctions must be made—that is the essence of law, morals and therefore survival. Not to make them is a form of moral blindness. That blindness and the attendant glorification of Lieut. Calley may well be the ultimate degradation of the U.S. by the Viet Nam War.

Major Brown, the pensive juror, believes that if the verdict is "tearing this country apart, it is good because maybe it will make [Americans] look within themselves to find out what's wrong. I don't think it will hurt the U.S." Maybe not. Yet the crisis of conscience caused by the Calley affair is a graver phenomenon than the horror following the assassination of President Kennedy. Historically, it is far more crucial. Within its limits, the Warren Commission served to mute much of the national agitation that ensued after Kennedy's death. Nixon has ruled out a Warren-style review of the Calley case itself, but there are suggestions inside the Administration and out that a comparably nonpartisan commission explore the whole question of American conduct of the Viet Nam War. Some Americans are skeptical; Harvard Sociologist Seymour Martin Lipset thinks that it would not reduce national tensions simply because "there are no neutral people left in the country." Still, Americans must find some means of confronting what they have done to themselves in Viet Nam and what they will continue to do to themselves until U.S. involvement in Indochina finally, irrevocably and mercifully comes to an end.

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