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My Lai and Wounded Knee

THE MY LAI EXPLOSION and the fate of Army Lieutenant Calley, convicted of murder in the massacre, is beyond doubt the pre-eminent news story of the day.

Calley was sentenced to life imprisonment, but President Nixon released him from close confinement pending appeal. Last week it was suggested here that executive modification of the sentence appears inevitable, since superiors of Calley, in ways unknown, manifestly issued orders under which Calley was acting.

Mr. Nixon has announced he will personally examine the Calley trial record, and reach his own decision at an appropriate time. This is his right and his duty, and it is what executive clemency is all about — to provide a backstop in the administration of justice, state or federal.

It is as well to offer here an opinion, that the military jurors who heard the trial and fixed sentence, had no choice other than to convict on the evidence submitted.

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CALLEY ADMITTED he shot one or more civilians at My Lai. He said he did this under orders of superiors, and that his motive was to protect his platoon against possible ambush, which he believed imminent.

But this was not enough to warrant a verdict of innocence. If we are to have a rule of law in this nation, judges or juries have to make a finding of murder if one is freely confessed in open court, and leave the mercy or extenuating circumstances to a higher authority.

We do that every day in this country, in small cases and big, in state or federal courts.

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IT DOES NOT FOLLOW that Lieutenant Calley is a hero, as many would make him out to be. It is purely an emotional response to the "underdog" principle. That principle should be sparingly applied unless a prisoner is wrongfully accused. To apply it here, wholly absolving Calley, would be a negation of justice.

When the My Lai story broke last year, the American people seemed to think it was the first massacre ever perpetrated by American soldiers. That is not the case. Of course, we know about the Indians, but that is on the conscience of the grandfathers.

Much heavier in their conscience was the total wipeout of an Indian village, women and children, in a last stand of the Sioux at Wounded Knee, Dakota Territory, in 1890. Dale Van Every, perhaps our foremost writer on the pioneers, vividly describes Wounded Knee in a novel just published, "The Day the Sun Died." Please note the analogy.

These Indians, freezing and starving, were camped in a creek bottom. One rifle shot started it. The Seventh Cavalry took vengeance for the inglorious Custer. They ran amok with Hotchkiss rapid-fire artillery. Two hundred helpless Indians died in a few minutes. Frederic Remington, the famous western painter, was there, and was outraged. So was General Nelson Miles, far to the rear, who had issued specific orders against moving on the Sioux.

The nation went on an emotional debauch, making heroes of the Seventh Cavalry. Of course, the incident is in Army records as a "battle." You take it from there.

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