

Get-the-Generals

By PAUL GREENBERG

PINE BLUFF, Ark.—One of the repercussions of the Calley trial is a move to Get-the-Generals. Why punish a young lieutenant and let the brass go free?

The latest accusation by the Army is against Brig. Gen. John W. Donaldson, for allegedly murdering six Vietnamese civilians in the winter of 1968-1969. Not connected to Mylai, it is the first case against a general officer for war crimes.

There is another case which illustrates the Get-the-Generals' attitude. It involves Brig. Gen. George H. Young, assistant division commander at the time of Mylai. He was charged with helping to cover up reports of atrocities there.

But wait a minute: Weren't the charges against General Young dismissed almost a year ago? They were—on June 23, 1970, after having been investigated for some three months. And didn't the adjutant general of the Army offer written assurance that "the principle of presumptive innocence prevailed"—even to generals? Yes. The adjutant general's letter was dated July 6, 1970. Well, then, as Representative David Pryor of Arkansas has asked: "Is not the theory of double jeopardy recognized in the confines of the Pentagon?"

No. The new modern Army has developed a technique that obviates troublesome details like a trial. It is called administrative action and does not require embarrassing courtroom scenes, or the presentation of new evidence against General Young. He is also spared the chore of cross-examining witnesses. He need not even face his accusers. And of course there is no messy public hearing.

This way, there is no need for a court-martial to wonder why an officer of General Young's character and experience would try to cover up Mylai—or to explain why he would then initiate a prompt and effective investigation of atrocities reported at Tam Ky during the same period. Nor would a court-martial need to refute the general's logic:

"I can, and I do, deny that any report came to me of noncombatants killed by infantry in Mylai. I have been in three wars, and I have commanded at every level. I would not be so stupid, as an assistant division commander, as to try to hide something from my commander. In the first place, I would not knowingly do anything to dishonor the uniform of the United States Army. In the second place, I would have nothing to gain and everything to lose, since I did not command the units involved and had a responsibility only to the division commander. Third, I could not hope to succeed."

But the rules of evidence do not apply to administrative action. Only the punishment is similar. In the general's case: Revocation of his Distinguished Service Medal and a letter of censure. Not to mention the feeling, after 29 years of service and 15 decorations, that he is being sorely ill used. Nor does it ease the general's ordeal—and his family's—to be assured that the punishment being considered in his case is not punishment but only administrative action.

The case of General Young was revived not in a courtroom but on the floor of Congress when on Feb. 4 a Representative from New York—Samuel S. Stratton—accused the Army of being soft on the brass. Within a week—on Feb. 11, 1971—the file on General Young was reopened. The general himself learned of it two days later, through a story in The Washington Post. Within another week, a group of officers had gone through the same material that took three months to process the first time around and had recommended administrative action against the general. Military justice is anything but slow.

Appearances, if nothing else, demand a wider selection of accused for the American consumer. As some-

one described the original list of those charged in connection with Mylai: "They took some big ones and some little ones and some middle-sized ones." What could look fairer? George H. Young is one of the big ones and, guilty or not, perfect for appearances' sake. He is a general, he was with the right division at the right time, and he was within 50 miles of Mylai the day the atrocities occurred. And, having been graduated from the Citadel, he is not a member of what has been called the West Point Protective Association. In short, he has the credentials of a perfect patsy.

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