

A Theory Justifying Mass Murder

Post My Lai - JW

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As Henry Kissinger labors mightily in Paris to bring home the peace for which so many Americans have yearned so long, the American military system seemed determined to bring forth just one last obscenity before the firing closed. And so, an Army officer did it the other day in a military court room in Falls Church. Capt. J. Houston Gordon, arguing the appeal of Lieutenant William Calley's conviction of the murder of civilians at Mylai 4, Capt. Gordon told the court that because the fight in Vietnam is a guerrilla war, the villagers weren't qualified for the protections accorded to prisoners of war in conventional wars.

Did you get that? We didn't get it the first time around either, so we'll run over it just one more time. The villagers, according to the argument, were not readily identifiable as non-combatants and thus, they bore the burden of proof of demonstrating their non-combatant status. If they don't meet that burden, then what? Well, Capt. Gordon made that pretty clear when one of the judges asked whether that theory would not make the villagers "fair game" for the American soldiers. The captain answered "yes."

So, there you have it: An argument pressed seriously in an American military court that says civilians—including women and children—could legally be slaughtered in Vietnam if they hadn't proved their non-involvement to the satisfaction of the U.S. military. It is true that the Geneva Convention did not envision guerrilla war. But this hardly lends logic to the Army's legal argument. To reason that some Vietnamese are Vietcong, that all Vietnamese look alike, and that therefore all Vietnamese can be slaughtered unless they hurry up and prove the contrary, is as absurd as it is blood-curdling and obscene.

Even if the rules of war are silent on the subject, humanity, intelligence and common sense would dictate a different course. People suspected of being hostile can be rounded up, detained and questioned. A silence in the law and some officer's suspicions constitute no license for mass murder. For a United States Army officer to so argue is to demean the Army, the system of military justice and the United States.



"Because After All, They Were Just Gooks"

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