

Mylai Prober Sees Injustice,

By Leroy Aarons

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KENTFIELD, Calif.—William R. Peers grew up in the Depression, worked his way through college and absorbed a set of strong moral principles from a mother whom he adored, and who died while he was a young man.

Peers carried his principles through a military career that saw him serve as a member of the Reserve Officers Training Corps, an Office of Strategic Services intelligence agent in Burma and China during World War II, a founding member of the CIA and a commanding officer in Vietnam before his retirement in July, 1973, as a lieutenant general.

In late 1969 and early 1970, under orders from Joint Chiefs of Staff chairman William C. Westmoreland, Peers compiled a massive secret report on the slaughter at Mylai, based on the sworn testimony of 401 persons and covering 20,000 pages of transcripts and documents.

That report, part of which recently was declassified and part of which remains secret, found that "both wittingly and unwittingly," high-level officers sought to cover up the Mylai massacre of March, 1968, in which 175 to 400 Vietnamese noncombatants were slain by soldiers of the American Division.

Only one man, Lt. William L. Calley Jr., was ever convicted for Mylai or its aftermath. To Peers, now living quietly in a San Francisco suburb, the failure of the military to bring those responsible for Mylai to trial was an abortion of justice.

"We have two forms of justice," he said during a recent interview, "one for the enemy and one for our own people. I don't think we showed the same kind of sympathy toward the Germans, for example, or the Japanese, in the case of war crimes, but we turn around and we have an incident like this, which I consider a horrible thing, and we find we have only one man finally convicted and he's set free after doing a relatively small part of his sentence."

Peers looks and lives in the genteel manner of retired military officers. He

lives with his wife in a comfortable two-story home decorated with Oriental art and furniture and other memorabilia of his 36-year career. He works part time as a consultant for the missiles division of Rockwell International, spends his leisure compiling his papers and playing golf. Six feet tall, white-haired and the same weight (175) he was when he played football, rugby and wrestled at UCLA, Peers at 60 is almost the central-casting image of an Army general.

Characteristically as well, Peers feels he owes no apology for American involvement in Vietnam and he strongly rejects suggestions that Mylai symbolized a moral degeneration, either in or out of the country.

But a visitor learns quickly that Gen. Peers has a rigid personal standard of justice.

Cover-up

In his report he named 30 individuals who by "omission or commission" allegedly shared culpability for the cover-up. Only 16 were charged, four went to trial and three were acquitted. The cases against 12 others were dismissed.

To Peers, who waited five years for his report to see the light of day, "there is a great deal of the same kind of coloration, in different degrees, that you might find in Watergate."

He added, "If people had been concerned, that [Watergate] wouldn't have happened either . . . I think we need a tightening up of our judicial system. I think we are seeing a tightening up . . . It is being forced by the American public, who are just getting jolly well fed up with this kind of stuff."

Peers was chief of Reserve Components at the Pentagon, having just completed a two-year tour in Vietnam, when he was summoned to Westmoreland's office on the evening of Nov. 24, 1969. By that time, the Mylai scandal had broken in the press and investigations were under way at several levels, including one by the military's Criminal Investigations Division (CID).

But, Peers related, Westmoreland wanted a probe that would focus not only on the atrocities, but on what



GEN. WILLIAM R. PEERS
... shocked by magnitude

the responsible officers and leaders did or failed to do about the incident once it was known.

Working against a 3½ month deadline, the time by which the statute of limitations would expire, Peers assembled a small staff and began questioning. He soon discovered that the job was far bigger than he had envisioned. He added two civilian lawyers and extra military personnel; ultimately the staff totaled about 40.

They began to take sworn testimony, and made a two-week trip to Vietnam, visiting the site of the incident. Soon, the enormity of the horror—"murder, rape, sodomy"—became evident.

"Initially, I didn't believe that a thing like this had taken place," said Peers. "I think I was resisting it myself. But after a week, 10 days, two weeks . . . when the magnitude finally dawned on me, I was shocked and horrified. I wasn't prepared. This was one of the most difficult periods I've ever gone through."

With day after day of atrocities, even Gen. Peers' sensibilities became dulled. "As time goes on you sort of get numb to this whole thing," he confided. "You hear of all these atrocities from all these people . . . it's drudgery even to hear about it."

It was not until toward the end of the investigation that the extent and nature of the post-Mylai cover-up became clear. "We came to

see that people hadn't done all they were supposed to have done. If they had shown any interest in this thing, any interest at all, and had sort of pushed the button, the whole thing would have been uncovered—right then and there. But nobody was that interested."

Peers said his commission found that reports of the Mylai massacre were filtering in within days of the incident from the Vietnamese District chiefs, from Vietcong propaganda and from an American helicopter warrant officer who had witnessed some of the carnage.

Orders to investigate were passed down from America commander Maj. Gen. Samuel Koster to brigade commander Oran K. Henderson.

Henderson's probe, Peers said, "was not a proper investigation—An investigation should include sworn statements, testimony from the people, and should go into very considerable depth . . . The fact was he had not looked into it to the depth he should have."

The same laxity, Peers said, carried up through the chain of command. Henderson's report says the Peers study, was accepted "at face value and without an effective review" by Gen. Koster. In addition, it alleges possible suppression of information to "deceive the division commander."

Henderson was later tried on cover-up charges and acquitted. Was the failure to prosecute the others part of the cover-up? "I can't answer that question, frankly," said Peers. "Other people who were my contemporaries had to make the judgment of whether to prosecute. All I can say is, knowing what I know, I would have brought these people to trial. There would be no question."

The Peers' document was turned over to Westmoreland in mid-March, 1969. With it Peers included a personal four-page addendum critical of the breakdown of military leadership in Vietnam.

It said in part:

"Commanders at all echelons are responsible for the actions . . . of all the men under him [sic]. A commander cannot delegate such responsibility to subordinates nor can he shrug it off by indicating a lack of knowledge. It is his duty to

ferret out actual trouble areas. . . .

"There can be no vacillation with the truth. Statements and reports . . . must be precise, factual and complete with no shading of the unpleasant or unflattering aspects. . . .

"All officers are responsible for taking corrective action on the spot when they see something wrong. . . . There can be no acceptance of mediocre leadership. . . .

"A commander must be constantly alert to changes in the attitudes and temperament of his men. Any indications of an attitudinal change from one of physical toughness in combat to one of senseless brutality requires immediate remedial action . . .

"It is an inherent and paramount responsibility of a commander to ensure his officers and men understand the principles of tightly controlled application of firepower . . . concern for private property, humane treatment and care of refugees, noncombatants and wounded . . .

" . . . On those rare occasions when people around him engage in activities clearly wrong and immoral he is required . . . to take whatever remedial action is required, regardless of the personal consequences."

Peers takes satisfaction in the fact that this basic reaffirmation of time-honored leadership principles was taken seriously by Westmoreland and eventually incorporated in a revised program of military leadership training.

But some people have theorized that the Mylai report damaged Gen. Peers' career. In October, 1971, he was transferred to Korea, fully expecting to become a four-star general and commander of all American forces there. Neither happened. He was passed over for promotion and remained deputy commander until his retirement nine months later. He was approaching 60 and was told Army policy discouraged active-duty generals in their 60s.

Gen. Peers feels there is no link between the report and the conclusion of his career. He attributes it instead to the military's characteristic promotion politics and a change in the secretary of the Army at a crucial point.