

# Defoliation and questions of war crimes for U.S.

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LONDON — This month's Barnum Prize for ingenuity goes to Jerry W. Friedheim, spokesman for the United States Defense Department. He was defending the Vietnam defoliation program against a profoundly

## Anthony Lewis

critical report just made to the American Association for the Advancement of Science. Friedheim argued that the South Vietnamese economy might actually have benefited from herbicide.

"Parts of the hardwood forest have been destroyed and can now be lumbered," he said. "Defoliation permits easier access, so crews can go in and bring out the wood."

### Reminds me of a story

Friedheim reminds me of a story. A friend of mine was in basic training, years ago, and went to a lecture on first-aid. At the end one of the other new soldiers put up his hand and asked, "Sir, is it permissible to shoot a man to put him out of his misery?" There was a scramble to get out of his squad.

Any rural neighbors of Friedheim might worry about his company if he really meant what he said about the benefits of spraying a land with huge doses of chemical poison. But that is unlikely, for his argument was not only grimly cynical but factually incorrect.

As for those hardwood forests, there is good reason for the normal practice of lumbering them when the trees are alive. Dead trees are rapidly destroyed by insects; in Vietnam they rarely last more than two years.

Moreover, as the AAAS report pointed out, the killing of hardwood areas in Vietnam has let the sun on to the forest floor, with disastrous results. A strain of bamboo has invaded the forests, creating an undergrowth so thick that it virtually cannot be penetrated except by bulldozer. Is it conceivable that Friedheim did not know that when he spoke of "Easier access"?

### More than standard of truth

But more is involved here than the standard of truth and decency in Pentagon propaganda. For the defoliation program has deliberately destroyed not only forests but food crops. And the latter target raises a most serious war crimes question.

fare," which deals specifically with crop destruction.

The manual states as a rule of land war the Hague commitment against use of poisons. It goes on to say that this rule does not prohibit destruction of enemy crops "through chemical or bacterial agents harmless to man" provided that it has been "determined" that the crops are "intended solely for consumption by the armed forces."

### Civilians the main victims

No such determination has been or could be made in Vietnam. The Americans in charge of the defoliation program have known perfectly well that they could not limit their killing so that no civilians were denied crops. In fact, the AAAS study found that civilians have been the main victims and that crops for 600,000 Vietnamese have been destroyed.

In short, the program that the Pentagon still seems intent on defending has been in violation of an international convention to which the United States is a party, and of the laws of war as stated by our own Army. Or so it seems on the face of the relevant documents. At the least, there is matter here to trouble the American legal conscience.

Not so long ago, most of us would have dismissed as Communist invention any talk of American war crimes in Vietnam. That is not so easy any more. We know we must listen now when Prof. Telford Taylor raises questions about the responsibility of our leaders under the war-guilt doctrines that we laid down after World War II.

### No escaping responsibility

It is right that the military authorities have proceeded with charges against individuals for massacres in Vietnam. Individual responsibility for such crimes cannot, in the end, be escaped. But neither can the generals nor their civilian superiors escape their responsibility for policies of indiscriminate destruction.

We cannot even use the past tense when we consider the use of herbicides in Vietnam. President Nixon has announced "an orderly yet rapid phase-out" of the defoliation program, which in fact has been said to mean its end by next spring. Why the delay? Is it a piece of bureaucratic neatness to use up the present supplies of plant-killing chemicals?

The most orderly way to stop killing the forests and crops of South Vietnam — the way required by conscience and perhaps by legal obligation — is to stop it now. To do so would indicate a new and necessary sensitivity in Washington about the means we use toward our disputed ends in Vietnam.

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The United States has subscribed to the Hague Convention of 1907, which prohibits the use of "poison or poisoned weapons" in war. That undertaking is reflected in the U.S. Army field manual, "Law of Land War-

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