

Questions on Songmy

G.I.'s Are Seen Facing Moral Dilemmas In Deciding Whether to Shoot and Kill

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Each soldier, as he arrives in Vietnam for a tour of duty, is handed a small white card that he is instructed to study and carry with him at all times.

It states, among other things, "Mistreatment of any captive is a criminal offense. Every soldier is personally responsible for the enemy in his hands." For reasons still unexplained, some members of Company C. 11th Bri-

News Analysis gade, American Division, allegedly forgot or chose to ignore these instructions on March 16, 1968, in Mylai-4 part of Songmy village, in the hamlet province of Quangnai.

The result of that apparent lapse is what the press has labeled variously the Songmy or Mylai massacre, which, if the allegations already lodged against one of the participants proves correct, will go down as one of the worst atrocities charged to American fighting men in any of the nation's wars.

Moral Dilemmas

In the Pentagon no less than in living rooms and commercial offices around the nation the question is asked, if this happened, why did it happen? Is the need for instant obedience to orders so inculcated into the average G.I. that, right or wrong, he does what he is told?

The career military man, even more than his civilian countryman, feels that charges of this sort besmirch the profession that is supposed to defend America's interests and ideals. Yet many military men, particularly those who have fought in Vietnam, feel that the public generally fails to grasp the awful moral dilemmas that soldiers are forced to face almost daily in a guerrilla war.

At the same time, some concede that the training stress on "follow orders, complain later" may contribute to a tragedy.

"Killing, with a rifle, an artillery shell or a bomb, is not moral," says one colonel. "In war it can be justifiable or unjustifiable depending on the circumstances. The trouble is there are so many gray areas in a war with no fixed lines, where most of the time the enemy does not wear uniforms, and where he employs terror as a routine instrument of warfare."

No one would question that in combat an American soldier has the right to shoot and kill an armed enemy soldier facing him. The same would be true if, in driving along a rural road, the G.I. came upon a peasant in black pajamas who suddenly grabbed a rifle and aimed at him.

But is he justified in shooting a woman or a 14-year-old Vietnamese boy who is pointing a rifle or preparing to toss a grenade his way? Anyone who has seen such things in Vietnam would not hesitate to answer yes. The woman or boy can kill as surely as a battle-hardened enemy soldier and often do.

More Difficult Question

What about a boy or woman found setting up mines and booby traps, which account for a large share of American deaths and casualties in Vietnam?

There the moral question is more difficult. If the person

can be apprehended without firing a shot, that is what the serviceman is told to do. But if a G.I. has recently seen a buddy blown to pieces by a booby trap, and if he is afraid that if he lets the minelayer get away he might fall victim to his or her next hidden explosive, he might tend to be trigger-happy.

How should this same G.I. conduct himself in an area, like the Songmy complex of hamlets, which has traditionally served as home base for guerrilla forces, where its women and children are believed to set out booby traps regularly and where they probably provide intelligence on American troop movements so the guerrillas can set up ambushes?

The rules, emphasized in basic and advanced training at home and in indoctrination sessions provided each newcomer in Vietnam, are clear: Civilians and captured enemy soldiers are to be treated humanely.

Turning again to the little white card, it says: "All persons in your hands, whether suspects, civilians or combat captives, must be protected against violence, insults, curiosity and reprisals of any kind. Leave punishment to the courts and the judges. The soldier shows his strength by his fairness and humanity to the persons in his hands."

Whether C Company received any fire from Mylai-4 that day is still unclear.

One General's Viewpoint

This is important in the view of one general with extensive service in Vietnam.

"If my troops received fire from a hamlet, there was no question but that they were to go in with guns blazing," he said. "I'm afraid, when you add up all the villages, we've killed hundreds of civilians this way, along with enemy soldiers. In this kind of war you have no choice."

"But that's not the same as lining up civilians, after you've secured the hamlet, and cold-bloodedly killing them—if, indeed, that did happen in this case."

Until World War II, it was American Army doctrine, as in most armies, that enlisted men were required to follow the orders of their officers. If in doing so a law was violated, it was the officer who was subject to punishment.

But the Nuremberg war crimes trials supposedly changed that. Army regulations were modified to declare that a soldier is not duty bound to obey any unlawful order and is ultimately responsible for his own actions.

This is discussed during several hours of training in the states. But experienced troop commanders concede that the stress, in training and in promotion, is on following orders. If a man believes an order unlawful, he is told that he may request an immediate audience with the next higher officer, or follow the order and complain later, or refuse to obey and take the risk of court-martial.

At the court-martial he would have to prove that the order was illegal. Thus the burden of proof would be on him.

Question of Balance

Commanders concede that this is a forbidding prospect for most G.I.'s, but they argue that if in combat a soldier could refuse to do the distasteful or dangerous by "pulling out the Geneva conventions," he could jeopardize the lives of his buddies and their mission.

How to achieve a balance between accomplishing the mission and minimizing the chances of a misguided command leading to the deaths of innocents is admittedly a difficult problem. Many suggest that training procedures be improved to make even clearer the responsibilities and rights of all those involved in combat.

Some officers, trying to find



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S. Sgt. David Mitchell will be court martialed on charges of assault with intent to murder South Vietnamese nationals at Songmy.

an explanation for what may have happened at Mylai-4, say that anyone who has fought in Vietnam has run across heart-wrenching examples of the foe's use of terror and atrocity—such as the public disemboweling of a hamlet chief and his family, the remains being displayed on sharp stakes in the hamlet square.

"One tends not to want to be too compassionate in dealing with an enemy like that," one man said.

But another countered: "Maybe one of the reasons we're fighting over there is to prevent the enemy's standards from being applied throughout the country. We don't gain an awful lot if, in the course of fighting, their standards and ours become indistinguishable."