

Legal Defense

Probers' Plea For My Lai GIs

Washington

Congressmen who have reported there was a coverup of the alleged massacre at My Lai want soldiers accused of war crimes to be given the right to plead temporary insanity.

One of the investigators said yesterday it is possible that some of the troops thought they were under orders "to wipe everybody out" the day more than 100 South Vietnamese civilians were slain in the little hamlet.

Representative F. Edward Herbert (Dem-La.), chairman of the investigating subcommittee of the House Armed Service Committee, said he would modify the Nuremberg war trials concept that every soldier is responsible for what he does, even if acting under orders.

Herbert said he and his fellow investigators would permit soldiers accused of war crimes to plead temporary insanity induced by the strains of combat.

THEORY

At a news conference, Representative Charles S. Gubser (Rep-Calif.) advanced the theory that the accused soldiers may have thought they were under direct orders to kill everyone in My Lai.

He said there was confusion because officers expected to find no civilians in My Lai and many in the assault unit thought they were going into battle against a

seasoned enemy that had killed many of their companions in the days just prior to the incident of March 16, 1968.

Another panel member, Representative William L. Dickinson (Rep. Ala.) told the news conference he is convinced more than 100 civilians were killed deliberately and without regard to age or sex after being herded together.

DEFENSE

Herbert said his staff is studying the possibility of writing into military law a provision to establish temporary insanity as a valid defense for soldiers accused of war crimes.

"This would give them an out," Herbert said in an interview. "They've got on/out under Nuremberg. Under Nuremberg, everybody's guilty." *NO?*

He said the soldier accused of crimes under the mental stress of battle should be entitled to the same defense of legal insanity that civilians have.

This modification in the uniform Code of Military Justice was recommended in the subcommittee's report to its parent House Armed Services Committee released Tuesday.

Associated Press



AP Wirephoto

REP. HERBERT
'They've got no out'