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Shadow Over Fort Hood

The first court martial of a United States soldier on charges growing out of the alleged massacre of Vietnamese civilians at Mylai thirty months ago, has been seriously compromised by the action of a House Armed Services subcommittee that investigated the Mylai incidents.

Because the subcommittee has refused to release pertinent testimony to the defense, a military judge at Fort Hood, Tex., has barred the appearance of four key prosecution witnesses. The Army subsequently rested its case against S. Sgt. David Mitchell after calling only three witnesses in a trial now indefinitely suspended because of the illness of the civilian attorney for the defense.

Certainly nobody should prejudge Sergeant Mitchell or any of the other officers and men directly accused in a case that has implications far beyond those immediately involved. But it is essential that the Army conduct the most effective prosecution possible to bring to justice those responsible for atrocities that have shocked the American people and tarnished the reputation of the United States around the world.

The House unit's refusal to cooperate with military authorities in this effort is particularly disturbing because this same subcommittee reported last July that "competent testimony established conclusively that a large number of unarmed Vietnamese, not in uniform, were deliberately killed at Mylai. . . . What obviously happened was wrong. It was contrary to the Geneva Convention, the Rules of Engagement and the MACV (Military Assistance Command Vietnam) Directives."

And yet Representative William L. Dickinson, Alabama Republican, who was a member of the investigating panel, has said he would be pleased if none of the soldiers involved was brought to trial, adding that he thought "the Army would be secretly pleased to see the case collapse."

The Congress, the White House and the American people have a duty to insist that this outrageously cynical position on Mylai not be sustained. The nation that pressed the judgment at Nuremberg cannot in conscience put aside so cavalierly its own aberrations.