



Basic Facts in The Calley Case

Joseph Alsop

IT'S THE strongest, most nearly unanimous reaction I have seen since I have been in the Senate." Thus, Senator Edward Kennedy of Massachusetts, on the subject of the popular protest against the verdict on Lieutenant William Calley.

While calling for human sympathy — a most reasonable demand — Senator Kennedy had the grace and consistency to stand by the judgment of the combat officers who rendered the verdict on Calley. Not so, however, some surprising persons on Senator Kennedy's side of the Vietnam argument.

Senator Abraham Ribicoff of Connecticut has attacked the verdict itself, with many a pious word. Senator Frank Ross of Utah has followed suit.

The leading peace-Republican (and the sorriest of the lot), Senator Mark Hatfield of Oregon, has in effect exculpated Calley. In a perfect torrent of self-righteous phraseology, Hatfield argued the wretched young man was no more guilty of a war crime than the whole of American society.

The point is, quite simply, that on the evidence as published to date, Lieutenant Calley was guilty of a military crime that has been a crime, under U.S. Army regulations, almost since the U.S. Army began. The crime was killing undefended war prisoners.

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IN THE last report in this space, by no fault of this reporter, the persons Lieutenant Calley was convicted of killing were miscalled "civilians." Above the level of really tiny children, they were no more civilians than Lieutenant Calley, although they did not wear a uniform.

These victims from My Lai, in fact,

came from a "combat hamlet" of a "combat village." From about the age of four on up, all persons in a V.C. "combat village," of both sexes, are trained to kill. By the iron rules of the Viet Cong, if they do not follow their training, they are killed themselves after one of the V.C. kangaroo-trials.

Because of the Viet Cong rules and training, attacking such a place is always a hideous business. But attack is one thing, and the time after the attack is another.

When an attack succeeds, and the enemy throws down his arms and throws up his hands, the U.S. Army regulations already mentioned automatically begin to operate. No order concerning the attack, even if ill-judged, can supercede those regulations. And they make it a crime to kill prisoners who have already yielded.

Just that, to be precise, is what the evidence says Lieutenant Calley did.

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IT IS not a common crime in the U.S. Army, thank God, as it is in the North Vietnamese army, for example. But it is a crime that sometimes occurs, in the midst of war's other uglinesses; and thus, it is a crime, alas, that American soldiers have been punished for in every war this country has fought in the twentieth century.

Senator Hatfield's self-righteous ooziings cannot alter those facts and it is to be hoped that the same facts will govern the president's final decision. Precisely because war is always a very ugly business, a large measure of human sympathy is called for in this Calley case, just as Senator Kennedy said. But that, once again, cannot alter the basic facts.