

Letters to the Editor

Comments on the Lieutenant Calley Case

To the Editor:

The silence of the millions who approve the Calley verdict and sentence should not be misread by our leaders. These millions are not heard from only because they are satisfied with the judgment and because most feel it would be improper to celebrate the incarceration of any human being, however much he deserved it.

Every seven-year-old who plays war in his own backyard knows that it is against the rules to kill prisoners. If the other kid puts his hands up, you can't say bang.

Let us not be panicked into changing that rule just to avoid facing the shame that some of our soldiers have broken it. Far better to uphold the rule, and with it the honor of the vast majority of our soldiers who do not and would not murder captives.

Those misguided opponents of the war who would free Calley on the spurious argument that killing people by dropping bombs is just as illegal as killing captured people will not achieve the outlawing of bombing, but the legalization of the murder of captives. And those misguided supporters of the Army who would free Calley in order to pretend that nothing has gone wrong will, if they are successful, only discredit the military altogether.

GEORGE E. AGREE
North Tarrytown, N. Y., April 1, 1971

To the Editor:

By interfering with the execution of the Calley sentence, President Nixon has undermined the declaration of the conscience of this country, which the inescapably just verdict implied. [Editorial April 4.] SUNDAY

Particularly in view of what more important people have to answer for, vindictive attitudes toward Lieutenant Calley have no proper place. But that consideration should not hide from us that the President's action, in appearing to cast doubt on the conviction, serves to hinder the follow-up of the possible war guilt of those in responsible positions at the time of Mylai—and of those too who by continuing the war and the indiscriminate killing of civilians by bombing are behaving in the same pattern. ROBERT L. FINLEY
Tamworth, N. H., April 2, 1971

To the Editor:

I have followed the Calley trial with a deep feeling of disenchantment with and perhaps even bitterness toward my Government and an ever-increasing sense of hopelessness in its ability to act as a humane organization.

It has taken a man, trained him to kill and, when he does so, purges its guilt by sentencing the individual at the end of the chain of command while absolving of any responsibility those higher up. It continues to condone bombing and strafing missions as though the distance between killer and civilian victim is a moral difference which holds only Calley responsible.

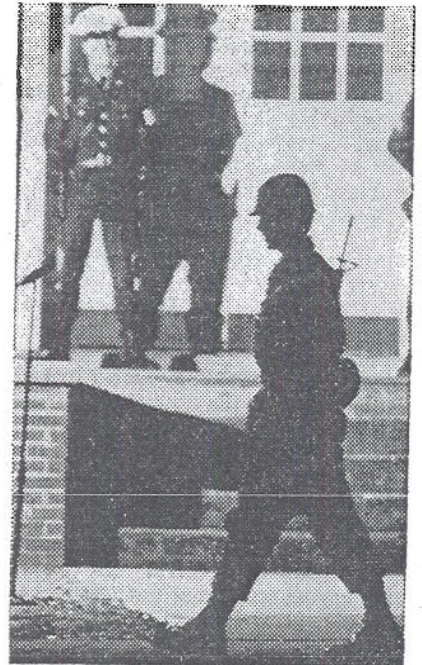
If the Government is to pursue justice, it must invoke the same legal guidelines which governed the trials at Nuremberg. I hope that this thought, more and more common now, is a little more than just disquieting, particularly for our President and General Westmoreland.

THOMAS M. EVANS
Easthampton, Mass., April 1, 1971

To the Editor:

Having had some experience as a prosecutor of war crimes, may I undertake to point out what seems to me to be some significant parallels between the public reaction to the Calley verdict and that of the German people to Nuremberg.

Initially the German people condemned the trials as the victors sitting



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in judgment on the vanquished as the world looked upon them as collectively guilty. In time they accepted the basic principle of Nuremberg that guilt is personal to the participating individual and undertook to absolve themselves from the collective guilt feeling by embarking on an extensive war crimes

prosecution program of their own. The acceptance of the new Germany by the international community is necessarily based on its having absolved the people of collective guilt.

What the current reaction to the Calley verdict seems to me to be is that we are collectively associating ourselves with Mylai and seem to feel collectively guilty and reacting accordingly. In time, I believe, we will come around, as the German and international community did, to reject the feeling of collective guilt and realize that so substantial a departure from the standards of the international rules of warfare by a soldier are personal to him as an individual and cannot be condoned.

MORRIS AMCHAN
Former Deputy Chief Counsel
for War Crimes, Nuremberg
Arlington, Va., April 3, 1971

To the Editor:

President Nixon's action, reported in The Times of April 2, in ordering Lieutenant Calley's release from stockade is unbecoming in a lawyer and a national leader. The law has adjudged Calley guilty of the murder of at least 22 human beings. Perhaps all defendants awaiting appeal should be given some freedom of movement. However, that is not the law today and to make Calley the recipient of special favors is a shocking injustice to the thousands of prisoners whose crimes, however heinous, pale to



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nothing beside Calley's. It is to be hoped that this favoritism will not be followed by a full reprieve. Mylai is one of the greatest blots on our nation's honor. Our national reaction to Calley's just punishment is a further dishonor. The President should not take part in it.

C. M. MARTIN
New York, April 3, 1971

To the Editor:

The most disturbing thing about the Lieutenant Calley affair is the acceptance by so many Americans that it is all right to kill noncombatant human beings because we are "at war."

As a veteran of both services, who served in the Navy under combat conditions in World War II, I can say the slaying of civilians never was a part of my training, understanding of war or belief in the dignity and humanity of man. Defense and attack against the enemy is one thing, but murder of women and children is an abhorrent act that can only be despised by any decent human being.

We have failed all of our humanistic and democratic traditions and training if the Calleys and Medinas, and those above in the line of command, can go scot-free. The line-up of the Wallaces and the people who absolve Calley of this odious crime tells more about his support, and the professional veteran groups tell more of their thinking, than all the statements in the press. The racists and reactionary elements support this crime, to their own undoing.

All veterans who fought truly for democracy and freedom in World War II and who understood what they were fighting for can only support the verdict and fight to stop the war in Vietnam.

BERNARD ISAACSON
Jamaica, N.Y., April 2, 1971

To the Editor:

Lieutenant Calley has been found guilty of premeditated murder in the machine-gunning of 22 South Vietnamese civilians. He claimed that he was acting under orders and instructions from his superiors. Under the findings of the Nuremberg Trials his defense would not relieve him of his guilt.

Upon orders from the Commander in Chief of the American armed forces, tons upon tons of bombs, molten steel, napalm and other lethal instruments of destruction have been dropped on the environs of the Ho Chi Minh Trail in Laos. These attacks from the air reportedly killed and maimed over 100,000 innocent, peaceful men, women and children.

In the case of Scott v. Shepherd, decided in 1773 in England, it was held that a person who throws a bomb

into a crowded marketplace is responsible for the injury or death caused thereby even though there was no intent to kill or injure. The decision has been adopted in our courts on the theory that one is responsible for the natural consequences of his act. Under the Nuremberg and Tokyo trials, although war conditions existed, the same theory was applied, even to the acts of the higher levels of command for war crimes.

Lieutenant Calley pleaded, after being found guilty, but before sentence, "Yesterday you stripped me of all my honor. Please, by your actions that you take here today, do not strip future soldiers of their honor." Capt. Aubrey M. Daniel 3d, the Army prosecutor, then told the jurors: "You did not strip him of his honor. What he did stripped him of his honor. It is not an honor—it has never been an honor—to kill unarmed men, women and children."

Thus, it follows that our pilots who are killing unarmed men, women and children (the natural consequences of their acts) are stripping themselves of their honor, and since they are acting under higher levels of command, General Westmoreland, General Abrams and the Commander in Chief are also stripping themselves of their honor.

This is the paradox of the Calley case.

The lesson we should all learn from this case is that this barbaric war should stop—not at the end of 1972, but now.

FRANK E. KARELSEN
New York, April 5, 1971

To the Editor:

Lieutenant Calley has been let out of the stockade by order of the President, pending further proceedings.

Capt. Howard B. Levy in his court-martial raised the defense that he was required to do acts in contravention of the laws of war, i.e., train combatants to be medics when combat duty is proscribed for the latter under the Geneva Convention and Army regulations. He nevertheless was convicted, but was given no such liberal confinement pending appeal. On the contrary, a light was kept on in his cell all night, and he was treated as a degraded convict of the worst sort.

It looks as if the President is apologizing for having to treat Calley as a prisoner as if it is all just a big mistake that the rules of war are violated. But where Levy spoke out for decency and justice, the Army set out to crush him—no apologies by way of easy confinement and no shoutings by Agnew in expiation of the offending conduct.

BERNARD H. GOLDSTEIN
Port Washington, L. I., April 5, 1971

To the Editor:

By convicting Lieutenant Calley of the murder of civilians at Mylai, the United States finds itself in the awkward position of having men in prison both for refusing to commit war crimes and for committing war crimes. Is this the current application of Catch-22?

ALAN LEWIS
Forest Hills, N.Y., March 31, 1971

To the Editor:

The immediate public response to the Calley verdict has been appalling. Perhaps the only cure for the apparent lack of sensitivity to the enormity of crimes committed at Mylai would be for foreign troops to "waste" the old men, women, children and babies of a small American town. If that happened, I wonder how much sympathy the Calley apologists would have for the foreign officer who directly ordered and participated in such a massacre.

RICHARD ALBERT SEID
New York, April 5, 1971

To the Editor:

I am appalled for the future of this country when a soldier in the U.S. Army, Lieutenant Calley, is convicted of murder for killing the enemy in order to appease the opinion of those who would destroy our own country from within by cowardly acts of bombing and violence and killing or maiming their own countrymen.

HELEN N. KROLL
Hempstead, L. I., April 5, 1971