

SECRETARY CALLAWAY'S reduction of the 20-year sentence that had been imposed on First Lieut. William L. Calley for the murder of 22 South Vietnamese civilians at My Lai would have found more ready acceptance if President Nixon had not muddied the waters surrounding this case by intervening in it three years ago when it was still under review. The Secretary clearly recognizes the enormity of the crime that was committed at My Lai. What he seems to be saying now is that, with the war in Vietnam over, mercy and compassion have a proper place in mitigating the punishment previously meted out to the one man convicted in the wake of numerous atrocities. Is it too much to hope that the matter will end there, without further politically flavored intervention by the White House?

My Lai will always remain a shocking blot on the American military record. When full allowance has been made for the nature of the war in Vietnam—the fact that even women and children were often enemies carrying grenades or other weapons—there can be no justification for the slaughter of civilians merely to remove a potential menace. Secretary Callaway properly concluded in his review of the case that the acts for which Lt. Calley was convicted were “so abhorrent they cannot be condoned or forgotten.”

It should be a matter of national chagrin that only one person responsible for this ruthless lack of consideration for human life has really been punished, although 13 men were charged in connection with the massacre and five were brought to trial. Presumably that record cannot now be changed, but at least we can as a people keep our thinking straight about crimes of this sort. They cannot be condoned or covered up under the pretense that they were an excusable part of a military operation without gravely tainting our sense of values.

Unfortunately, the President's intervention in the case in the past looked in precisely that direction. Immediately after Lt. Calley was convicted and sentenced to life imprisonment by a court martial board composed of much-decorated Vietnam veterans, he made a great show of personally ordering the transfer of Lt. Calley from the stockade to his own private quarters, under guard;

and he did so at a time when the proper authorities on the spot were already moving to achieve the same end. With needless fanfare, he announced that he would personally review the case for the purpose of including “nonlegal, nontechnical” considerations in the final decision—which everybody knew was always something he had the right to do at an appropriate stage in the appeals process. It is impossible to avoid an implication in the White House attitude that the President was out of sympathy with the conviction or that he was seeking to exploit the outburst of popular sentiment that has been drummed up in behalf of Lt. Calley.

Since Secretary Callaway's decision to cut the Calley sentence in half now goes to the President for final review, no doubt there will be renewed demands for a pardon. The President will once more be tempted to belittle the massacre and Lt. Calley's part in it by wiping out the consequences of the trial and sentencing. In our view, any such action would be a disservice to the cause of justice, in the face of the court-martial verdict and Secretary Callaway's present conclusions that Lt. Calley was fairly convicted and that he “should have been able to recognize the illegality of an order to kill unarmed noncombatants if he did in fact receive such an order.”

Compassion has its place in every judicial proceeding. But the ends of mercy can be quite adequately served by accepting the thoughtful conclusions of the Secretary of the Army and allowing the young man who committed this crime to return to society upon the granting of parole for which he will soon be eligible. No one contends that he would be a menace. In recommending this course, Secretary Callaway is undoubtedly cognizant of the fact that the Army imposed on this young officer at the age of 26 responsibilities for which he was grossly unprepared. Let that be recognized along with the desirability of eliminating any spirit of vindictiveness from the case. That said, we hope the White House will not pretend either that a grave offense was not committed or that it can be expunged by a flick of the pen, without grave reflections upon our standing as a civilized nation.