

Rare War Crime Probe of Helicopter Men

Washington

Despite the public uproar over the Calley case, the Army is quietly proceeding with charges of premeditated murder against eight more American GIs — a precedent-setting case involving two helicopter crews accused of indiscriminate killing.

In addition, Army investigators now list 32 allegations of battlefield crime as being under active investigation.

The murder charges against eight helicopter crewmen were initiated six months ago in Vietnam without fanfare — before the strong public protest over the trial and conviction of Lieutenant William L. Calley for mass murder at My Lai.

Still in the pre-trial stages, the new murder cases involving aircraft represent a precedent for the war in Viet-

nam and, very likely, for the history of all warfare — a government prosecuting its own airmen for criminal misconduct.

According to the Army charges, the crews of two helicopter gunships from the 335th Assault Helicopter Company of the First Aviation Brigade were flying on Sept. 19, 1970, from Dong Tam to a point along the western coast, west of Camau, in the southern tip of South Vietnam when the alleged crimes occurred.

The Army charges that the crews fired M-60 machine guns and M-79 grenade launchers at various locations over a four-hour period, killing a Vietnamese civilian and wounding 16 others.

During the war, numerous reports and allegations have been made about helicopter gunships indiscriminately

shooting at Vietnamese civilians, but no one has ever been prosecuted for it. The worst that has happened has been administrative discipline, such as fines or reprimands in isolated cases.

In past wars the legality and morality of aerial attacks has been repeatedly debated, from Guernica to Dresden and Hiroshima. But actual prosecutions of airmen have been very rare — and always involved one side trying pilots from the other side.

In this war, where U.S. helicopters have performed a ubiquitous role, their pilots

and gunners probably fall into a special category of legal responsibility — somewhere between the infantrymen on the ground and the bomber pilots flying at 30,000 feet. Helicopter crews normally can discriminate in picking their targets much better than a bomber pilot who cannot see what he is bombing — yet they usually do not have as much control over who gets killed as the infantryman does with his individual weapon.

Against the controversy surrounding the Calley case, the murder charges involving helicopter crewmen open new areas for argument. One

frequent criticism of the Calley conviction has been that foot soldiers are being held responsible for indiscriminate killing, but artillery and air power are not.

Washington Post Service