

'The Conscience of America'

Citing "compelling evidence that serious breaches of the laws of war have been committed by all parties" in Indochina, the Association of the Bar of the City of New York has urged President Nixon to appoint a national commission to study American observance of the laws of war in Indochina.

Such a study is overdue. As long as four years ago, a group of prominent clergymen and laymen warned of a "breakdown of moral constraint" by United States and allied military personnel in Vietnam. Their careful study noted serious discrepancies between allied military actions and international law in such areas as treatment of prisoners and civilians, use of gas and defoliants, the destruction of villages and the employment of artillery and air power in "free-fire zones."

Disclosure of the 1968 Mylai massacre deeply stirred the public conscience concerning war crimes in Vietnam. Concern about that monstrous aberration has hardly been assuaged by the secrecy which the Pentagon continues to maintain concerning some details of the Mylai affair and by the failure of military leaders to prosecute vigorously all those responsible.

The more serious failure, however, is that of national leaders to address in any comprehensible fashion the broader issues raised by Mylai and other deviations in Indochina from international law and deeply held American principles. This is the kind of inquiry now being proposed by the New York bar group. The purpose would be "not to accumulate evidence for war crimes trials . . . [but] to study and appraise the system of military justice and to suggest reforms in education concerning, and enforcement of, the laws of war."

In his State of the Union message, President Nixon said: "We hold the conscience of America in our hands." The American conscience has been stricken and the good name of the United States tarnished by some aspects of the war in Indochina. As chief guardian of the nation's conscience and Commander in Chief of its armed forces, President Nixon has a responsibility to take corrective action, beginning with a broad impartial study of the kind proposed by the New York City bar.