



—Wide World

Paul Meadlo (l.) and his attorney, John Kesler, leaving military court in Fort Hood, Texas—"The issues of Nuremberg . . . have come back to haunt us in Vietnam."

NUREMBERG AND VIETNAM: An American Tragedy, by Telford Taylor (*Quadrangle*, 224 pp., \$5.95; paperback, \$1.95); **WAR CRIMES AND THE AMERICAN CONSCIENCE**, edited by Erwin Knoll and Judith Nies McFadden (*Holt, Rinehart & Winston*, 208 pp., \$5.95; paperback, \$2.95); **BETWEEN TWO FIRES: The Unheard Voices of Vietnam**, edited by Ly Qui Chung (*Praeger*, 119 pp., \$5.95; paperback, \$1.95); **CONVERSATIONS WITH AMERICANS**, by Mark Lane (*Simon & Schuster*, 247 pp., \$6.95)

Reviewed by James Reston, Jr.

■ Nineteen-seventy was the year of Mylai. That event dominated the military news, and it has radically changed our view of the GI in Vietnam. Reporters went after a different kind of story: Instead of poignant portraits of the sacrifices and tensions of battle, the most vivid images projected by the media were the ditch at Mylai, the shotgun gushing marijuana smoke, the black-power salute, the refusal to go out on search-and-destroy missions.

One hopes, as we go into a new year, that our attention as a people will now concentrate on what all this says about our involvement in Vietnam: that we shall analyze it, put the sensational details in context, and see what we can do about it. To help us begin the task we have two important books, Telford Taylor's *Nuremberg and Vietnam: An American Tragedy*, and *War Crimes and the American Conscience*, edited by Erwin Knoll and Judith Nies McFadden; a collection of stories by Vietnamese, entitled *Between Two Fires: The Unheard Voices of Vietnam*, and a hodgepodge of hearsay by Mark Lane, called *Conversations with Americans*.

In *Conversations* ex-GIs in Sweden and the U.S. relate one bloodcurdling,

stomach-turning incident after another of rape, torture, maiming, and wanton slaughter perpetrated by Americans in Vietnam. All of the reports are unverified, some are irrelevant, others complain about training methods that have been standard since the days of Julius Caesar. Lane makes no pretense of distinguishing between fact and a soldier's talent for embellishment. For the salacious mind that wants to get the guts out of this book quickly, it is necessary only to read the last page of each interview. If you have never heard that Marine drill sergeants are mean, or that recruits have to yell "Kill!" at boot camp, or that officers say loose things in the combat zone, you will find it here. If this is not enough, you can savor the story of the female VC sympathizer who was brought in for interrogation, stripped, and then raped by every man in the battalion. (Lane does not explain that in Vietnam an American battalion runs anywhere from 1,000 to 1,200 men.) Or you can learn, from a radioman based in Asmara, Ethiopia, how the military distorted its press reports on American casualties in Vietnam.

If this book had any redeeming social significance, it would be to show that a pattern of atrocities exists in Vietnam, proving that while Mylai was larger it was not unique. This needs to be demonstrated, since the Pentagon continues to insist that Mylai was an isolated case. But the effort will have to be left to more responsible parties, like the National Veterans Inquiry Into U.S. War Crimes, which in a three-day meeting in Washington in early December heard testimony from more than fifty ex-GIs on things they had seen or done in Vietnam. (It is significant that this group disassociated itself from Lane and his disreputable book.)

Through veterans' statements at that hearing, the disparity between the rules found in Army manuals and customary behavior on the battlefield becomes clear. Acts that are technically forbidden are often overlooked under the pressure of combat. In particular, the use of torture in interrogation appears to be freely condoned, with the caveat "But don't get caught." Yet most such cases seem to result from frustration. I was taught at Army Intelligence School that torture was not only illegal, it was counterproductive: the victim was likely to tell you anything he thought you wanted to hear. During the three-day conference in Washington only one story was related that indicated such methods could produce valuable information. It involved the technique of taking two VC suspects, an important and an unimportant one, up in a helicopter, questioning the unimportant one first, and, when he did not talk, throwing him out. The GI, who witnessed two such episodes, said that they resulted in "a successful interrogation" on both occasions.

The Pentagon, however, operates from the written law, and it provides a perfect cover. Any specific charge of torture against a specific individual will be investigated, they say, and if the evidence warrants, a court-martial will take place—though they cannot remember any such charge ever having been brought. Thus, the burden of triggering an investigation is left to the individual GI. The Pentagon's reaction to the Lane book is to discredit the sources. Chuck Onan, the first interviewee in *Conversations*, testified about the techniques of torture taught to him as an elite scuba expert in the Marine counterpart of the Special Forces; the Pentagon replies that Onan's service record shows he never was at scuba school, but was an aviation mechanic and storeroom clerk.

The most destructive aspect of the Lane book is not that its specific details can be so easily dismissed by the Pentagon, but that it allows Americans to dismiss their collective responsibility for the war as a whole. No American will feel responsible for a GI who runs a hot bayonet up the vagina of a Vietnamese woman; he can only be a lunatic, not "one of our boys in uniform." This emphasis on atrocities misdirects the sense of shame that the American people should feel about the concept of the war of attrition, recommended and executed by General Westmoreland, applauded at the Pentagon, approved by two Presidents and, by political implication, the majority of U.S. citizens.

If American troops reduce the Viet-

namese to "gooks" and "slopes," a small collection of Vietnamese stories, *Between Two Fires*, humanizes them again in noble and poignant ways. It should be required reading for every American soldier, and also for American civilians who may harbor the same condescending attitude towards Oriental people, though they manifest it not with bullets but with ballots or silence. Out of these simply written stories by schoolteachers and soldiers from the villages of Vietnam emerges a portrait of a sensitive, tragic people, caught between an AR-15 and an AK-47. The Vietnamese, writes the editor, Ly Qui Chung, "no longer want to take sides in this war that is gradually . . . destroying us. We have no desire to be called 'an outpost of the Free World' or to be praised for being 'the vanguard . . . in the world socialist revolution.'" From a people who have suffered casualties of 900,000 dead and three million wounded—out of a population of fourteen million—since the American military build-up in 1965, the message comes through loud and clear.

Responsibility is the most important question this country must face in the early Seventies. It is no good to say simply that Vietnam has been an American tragedy and leave it at that. The fundamental question is whether the U.S. can rise from the humiliation into some new maturity about its role in the world.

Toward meeting this challenge Telford Taylor's legal primer on Nuremberg and Vietnam is both useful and disappointing. It is useful because it focuses on the issues of Nuremberg that have come back to haunt us in Vietnam: the problem of aggressive war, the definition of war crimes and the task of assigning guilt for them, the defense of "superior orders," and justification because of military necessity. The book is a well-argued brief on a precedent in international law, and it is supported with much important and interesting historical background.

One may ask what is the purpose in haggling over the fine points of "laws of war" and the definition of war crimes when war itself is a crime. Is this not like "pouring perfume on dead bodies"? Taylor offers two important reasons for his study. First, the laws work: "Violated or ignored as they often are, enough of the rules are observed enough of the time so that mankind is very much better off with them than without them." Second, they prescribe the kind of killing that is allowable: "War is not a license at all, but an obligation to kill for reasons of state; it does not countenance the infliction of suffering for its own sake or for revenge."

This is all background leading up to

the problem of how we can apply the Nuremberg precedent today. Telford Taylor, as a preeminent international lawyer and the chief prosecutor at Nuremberg, may be the person in America best able to instruct us. His conclusion is that the courts as now constituted can do very little. The courts, he says, are not the appropriate forum for a discussion of the propriety of our involvement in Vietnam; this debate is more properly carried on in the political arena. So we are left with a tract on the limitations of the juridical application of the Nuremberg precedent, and no discussion of its broader importance. We must be content with the weak conclusion that "Somehow we failed ourselves to learn the lessons we undertook to teach at Nuremberg, and that failure is today's American tragedy." No. We can still learn those lessons. Nuremberg is not dead. It lives today, and Taylor's book shows clearly—if only by implication—where international lawyers must now focus their attention so that the gaps can be filled.

The major gap in the Nuremberg code is its failure to deal with technological warfare. Taylor writes, "It is difficult to contest the judgment that Dresden and Nagasaki were war crimes, tolerable in retrospect only because their malignancy pales in comparison to Dachau, Auschwitz, and Treblinka." Dresden and Nagasaki were not justified by military necessity, according to Taylor. Must we then examine each B-52 raid in Vietnam to see if it was justified by military necessity? What of the totality of the bombing effect? This

properly falls under the "Crimes Against Humanity" section of Nuremberg, which Taylor fails altogether to discuss. It is odd that defense lawyers have stressed the "Crimes Against Peace" section of Nuremberg in draft-resistance cases rather than the "Crimes Against Humanity" section. Pleading crimes against peace, the defense is left with the burden of proving that America is the aggressor in Vietnam. Pleading crimes against humanity, the defense could concentrate on the devastation that the American military has wrought in Vietnam.

Taylor is right, of course, that it is the political arm of our government that must end our involvement in Vietnam. *War Crimes and the American Conscience*, edited by Erwin Knoll and Judith Nies McFadden, is based on that premise, and it is the most important book on Vietnam in print today. It is the product of a Congressional Conference on War and National Responsibility, organized by a handful of liberal Congressmen who brought the best minds in the country on the Vietnam issue to Capitol Hill for two days in February 1970. This edited transcript of those proceedings is a lucid ordering of the endless details of the war with which the American people have been bombarded. The volume puts the war in perspective as no other work has yet done.

War Crimes and the American Conscience contains specific recommendations that must not be lost sight of. Representative Henry S. Reuss proposes a commission of American jurists to

Your Literary I. Q.

Conducted by David M. Glixon

K I D S T U F F

Young folks get the first crack at this quiz by Jean Graney of Hollis, N. H. The task is to indicate which character in Column Two appears in the same story as which character in Column One, and which author is responsible. The nursery bookshelf is on page 29.

- | | | |
|---------------------|------------------|---------------------|
| 1. Ali Baba () | A. Bagheera | a. anonymous |
| 2. Arthur () | B. Benjamin | b. J. M. Barrie |
| 3. Irene () | C. Blitzen | c. L. Frank Baum |
| 4. Margalo () | D. Carpenter | d. Lewis Carroll |
| 5. Mole () | E. Celeste | e. Jean De Brunhoff |
| 6. Mowgli () | F. Curdie | f. Eugene Field |
| 7. Owl () | G. Dorothy | g. Kenneth Grahame |
| 8. Peter () | H. Little John | h. Rudyard Kipling |
| 9. Pooh () | I. Morgiana | i. Edward Lear |
| 10. Prancer () | J. Nod | j. George MacDonald |
| 11. Robin Hood () | K. Piglet | k. A. A. Milne |
| 12. Tinker Bell () | L. Pussy Cat | l. Clement C. Moore |
| 13. Toto () | M. Stuart Little | m. Beatrix Potter |
| 14. Walrus () | N. Tiger Lily | n. E. B. White |
| 15. Wynken () | O. Toad | |

fill the gaps of Nuremberg. This is a vital idea, but it should be internationalized, bringing together the great legal minds of the world. Richard Falk, an international lawyer from Princeton, calls for a world conference of governments to update the rules of war, which have had no substantial revision, he says, since 1899.

Representative Reuss further advocates a commission of legislators and private citizens to examine "violations of international legal and moral standards today." More Congressional conferences with private citizens are needed to guide legislators and the public alike through the withdrawal and the post-Vietnam periods, but I hope the next one will include more conservative politicians. The question of war crimes is not a liberal issue. It is an American problem, and all Americans must face it.

Former Congressman Frank Kowalski suggests that the Secretary of Defense appoint a commission of military and civilian jurists to examine the military code of justice in light of the atrocity stories and in the light of Nuremberg. There is little chance that this will happen without pressure. The Defense Department's significant moves on the matter in the fall of 1970 consisted of 1) a cavalier one-paragraph denial of command responsibility for General Westmoreland in the Mylai case, and 2) a three-volume report by a military review board charging President Johnson with exercising "extraordinary controls" over "military needs," creating an "unstabilizing effect on long-range programs."

The proposals in *War Crimes and the American Conscience* are all helpful, and one can think of several other possibilities. For example, it would be interesting to know whether Dow Chemical Company speaks for the business community as a whole in a statement such as the following:

Our position on the manufacture of napalm is that we are a supplier of goods to the Defense Department and not a policymaker. We do not and should not try to decide military strategy or policy. Simple good citizenship requires that we supply our Government and our military with those goods which they feel they need whenever we have the technology and capability and have been chosen by the Government as a supplier.

Simple good humanity may lead some businessmen to question that blanket endorsement, especially when the government asks for weapons that induce a slow, gruesome death, as napalm does.

There is also a need for the semanticists to cut through the language the
(Continued on page 33)

Vietnam

Continued from page 28

Defense Department has invented to sanitize the devastation we are bringing to Vietnam: circumlocutions like "protective reaction strike," "food denial programs," "neutralizing the Vietcong infrastructure," "interdiction of enemy supply lines," "forced draft urbanization."

If all the professions that have participated in Vietnam are honest with themselves, and are prepared to examine the notions upon which their involvement was predicated, it can provide an opportunity for this country to attain a wiser sense of direction, and to evolve a higher system of accountability in humanitarian terms for decisions that in the past have been justified solely by vague national security principles.

Albert Speer, sentenced to twenty years' imprisonment by the Nuremberg Tribunal, addressed himself to the old excuses of not knowing about Nazi atrocities or not participating directly in them. In his remarkable memoirs, *Inside the Third Reich*, he wrote:

I no longer give any of these answers. For they are efforts at legal exculpation. . . . In the final analysis I myself determined the degree of my isolation, the extremity of my evasions, and the extent of my ignorance. . . . Whether I knew or did not know, or how much or how little I knew is totally unimportant when I consider what horrors I might have known about and what conclusions would have been the natural ones to draw from the little I did know. Those who ask me are fundamentally expecting me to offer justifications. I have none. No apologies are possible.

Americans now know enough about Vietnam to draw some natural conclusions. The question is: Will they do it?

James Reston, Jr., has just completed a first novel, "To Defend, To Destroy," whose theme is the conscience of a GI and the question of responsibility.

