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SEYMOUR M. HERSH Special to The Courant

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By SEYMOUR M. HERSH
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FORT BENNING, Ga. — Lt. William L. Calley Jr., 26, is a mild mannered, boyish-looking Vietnam combat veteran with the nickname of "Rusty." The Army says he deliberately murdered at least 109 Vietnamese civilians during a search and destroy mission in March 1968 in a Viet Cong stronghold known as "Pinkville."

Calley has formally been charged with six specifications of mass murder. Each specification cites a number of dead,

adding up to the 109 total, and adds that Calley did "with premeditation murder . . . Oriental human beings whose names and sex are unknown by shooting them with a rifle."

The Army calls it murder; Calley, his counsel and others associated with the incident describe it as a case of "carrying out orders."

"Pinkville" has now become a widely known codeword among the military in a case that many officers and some well informed congressmen believe will become far more controversial

than the recent murder charges against eight Green Berets. In terms of numbers slain, "Pinkville" is by far the worst known U.S. atrocity case of the Vietnam war.

Army investigation teams spent nearly one year studying the incident before filing charges against Calley, a platoon leader of the 11th Brigade of the Americal Division at the time of the slayings.

Calley was formally charged on or about Sept. 6, 1969, with the multiple homicides, just a few days before he was due to

be released from active service.

Calley has since hired a prominent civilian attorney, former Judge George W. Latimer of the U.S. Court of Military Appeals, and is now awaiting a military determination of whether the evidence justifies a general court-martial. All sources agreed that the court martial will be ordered within a week or two. It is expected to begin early next year.

Calley, meanwhile, is being detained at Fort Benning, where his movements are sharply restricted. Even his exact location

on the base is a closely held secret; neither the provost marshal, nor the Army's Criminal Investigation Division (CID) know where he is being held.

The Army has steadfastly refused to comment on the case, "in order not to prejudice the continuing investigation and rights of the accused." Similarly, Calley—although submitting to an interview—refused to discuss in detail just what did happen on that day, March 16, 1968.

But many other officers and civilian officials, some angered by Calley's action and others

angry that charges of murder were filed in the case, talked freely during interviews at Fort Benning and Washington.

These facts are not in dispute.

The Pinkville area, about six miles northeast of Quang Ngai, had been a Viet Cong fortress since the Vietnam war began. In early February, 1968 a company of the 11th Brigade, as part of Task Force Barker, stormed through the area and was severely shot up.

Calley's platoon suffered casualties. After the Communist

Tet Offensive in February, 1968, a larger assault was mounted, again with high casualties and little success. A third attack was quickly mounted and it was successful.

The Army claimed 128 Viet Cong dead. Many civilians also were killed in the operation. The area was a free fire zone in which all non Viet Cong residents had been urged, by leaflet, to flee. Such zones are common throughout Vietnam.

One man who took part in the

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The Army Said Others Were Involved, But Only Calley Sits and Waits

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mission with Calley, in recounting what happened, said that in the earlier two attacks "we were really shot up."

"Everytime we got hit it was from the rear," he said. "So the third time in there the order came down to go in and make sure no one was behind."

"We were told to just clear the area. It was a typical combat assault formation. We came in hot, with a cover of artillery in front of us, came down the line and destroyed the village," he said.

"There are always some civilian casualties in a combat operation. He (Calley) isn't guilty of murder," he said.

The order to "clear the area" was relayed from the battalion commander to the company commander to Calley, the source added.

Calley's attorney, George Latimer, said in an interview that: "This is one case that should never have been brought. Whatever killing there was was in a firefight in connection with an operation."

No Choice

"You can't afford to guess whether a civilian is a Viet Cong or not. Either they shoot you or you shoot them," Latimer said.

"This case is going to be important—to what standard do you hold a combat officer in carrying out a mission?" the attorney asked.

"There are two instances where murder is acceptable to anybody: Where it is excusable and where it is justified. If Calley did shoot anybody because

of the tactical situation or while in a firefight, it was either excusable or justifiable," the attorney said.

Others Involved

Adding to the complexity of the case is the fact that investigators from the Army Inspector General's Office, which conducted the bulk of the investigation, considered filing charges against at least six other men involved in the action on that March 16.

Included were Capt. Ernest Medina, Calley's company commander, and Sgt. Manuel Lopez, Calley's main non-commissioned officer. Both are now stationed at Fort Benning.

They, and at least four other men from Calley's unit were flown to Benning sometime in late summer during the Army's Article 32 hearing, the military equivalent of a grand jury proceeding.

The hearing was conducted under the leadership of Lt. Col. Dwayne G. Cameron, a Fort Benning infantry officer, who concluded that Calley should be held for court martial.

Sources report that Calley was personally accused of all of the slayings under his and Sgt. Lopez's command. The young lieutenant refused to say whether the order to fire came from Medina, his former company commander, during the Article 32 hearings.

Calley's friends in the officer corps at Fort Benning, many of them West Point graduates, are indignant, but knowing the high stakes of the case, express their outrage in private. "They're using this as a goddamned example," one officer complained.

"He's a good soldier. He followed orders."

"There weren't any Friendlies in the village," the officer added. "The orders were to shoot anything that moved."

Another officer noted that: "it could happen to any of us. He's killed and seen a lot of killing . . . killing becomes nothing in Vietnam. He knew that there were civilians there, but he also knew that there were VC among them."

A third officer, also familiar with the case, added: "There's this question—I think anyone who goes to (Viet) Nam asks it. What's a civilian? Someone who works for us at day and puts on Viet Cong pajamas at night?"

Another Side

There is another side to the Calley case, one that the Army cannot reveal as yet. Interviews have brought out the fact that the investigation into the Pinkville affair was initiated six months after the incident, although these have not—thus far—been introduced as evidence in the case, and may not be.

"They simply shot up this village and he (Calley) was the leader of it," said one Washington source. "When one guy ref-

used to do it, Calley took the rifle away and did the shooting himself."

Asked about this, Calley refused to comment.

One Pentagon officer discussed the case in a caustic manner, reaching down to tap his knee with his hand, and saying at the same time: "Some of those kids he shot were this high. I don't think they were Viet Cong. Do you?" (None of the men interviewed about the affair denied that women and children had been shot at the Pinkville incident.)

No Publicity

A constant source of amazement among all those interviewed was that the story had yet to reach the Press. "Pinkville has been a word among GIs for a year," one official said. "I'll never cease to be amazed that it hasn't been written about before." A high-ranking officer commented that he first heard talk of the Pinkville incident soon after it happened; the officer was on duty in Saigon at the time.

Why did the Army choose to prosecute this case? On what is basing the charge that Calley acted with premeditation before killing? The court martial un-

doubtedly will supply the answers to these questions, but some men already have their opinions.

"The Army knew it was going to get clobbered on this at some point," one knowledgeable military source noted. "If they don't prosecute somebody—if this stuff comes out without the Army even taking some action—it would be even worse."

Another view, mentioned by many, was that the top level of the military is concerned about possible war crime tribunals after the Vietnam war ends. "Some of those commanders are thinking of future war crimes," one source said.

As for Calley, he's now smoking four packs of cigarettes daily, and getting out of shape. He's short, 5'3", slender, with expressionless gray eyes and thinning brown hair. He seems slightly bewildered and hurt by the charges against him. He wants nothing more than to be cleared and return to the Army.

"I know this sounds funny," he said in an interview, "but I like the Army . . . and I don't want to do anything to hurt it."

Friends described Calley as a "Gung-Ho Army man . . . Army all the way." Ironically, even

his staunchest supporters admit, his enthusiasm may be somewhat to blame. "Maybe he did take some order to clear out the village a little bit too literally," one friend said, "but he's a fine boy."

Home Early

Calley had been shipped home early from Vietnam, after the Army refused his request to extend his tour of duty. Until the incident at Pinkville, he had received nothing but high ratings from his superior officers, and also was scheduled to be awarded, he said, the Bronze and Silver Stars for his combat efforts.

He's heard nothing about the medals since arriving at Fort Benning. The lieutenant was born in Miami, Fla. and flunked out of the Palm Beach Junior College before enlisting in the Army. He was appointed a sec-

ond lieutenant in September, 1967, shortly after going to Vietnam. The Army lists his home of record as Waynesville, N.C.

An information sheet put out by the public affairs officer of the American Division the day after the March 16 engagement contained this terse mention of the incident: "The swiftness with which the units moved into the area surprised the enemy. After the battle, the 11th Brigade moved into the village, searching each hut and tunnel."

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(Seymour M. Herish covered the Pentagon for the Associated Press. He has written for the Washington Post, New York Times, Baltimore Sun, and many other newspapers and magazines, and is the au-

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