nd helicopters paused only long enough to disgorge
ers.
pters from the air cavalry, including two gunships and
armed security team on board, flew overhead when
ht of his team spent three hours in the village on the
January 3. The two interpreters who had been with
pany on March 16, Sergeants Phu and Minh, took
the village. That afternoon he questioned the ARVN
n, about his reports of the massacre when he was the
trict chief. The next day Thompson again flew his
the area on a second air reconnaissance, a move
sed by local commanders, but the general got his
ad formed a strong liking for Thompson and his
him demonstrated his approval of the pilot's strong
. "He was very proud of Thompson," Jerry Walsh said
t to My Lai. "He may have only been a high school boy
but he knew right from wrong and acted on it."
est was shown in Washington and Saigon in the
ers's investigation. Long signals were sent back to
Among those kept informed on a regular basis was
mmander, Creighton Abrams, who was anxious to
e Army acquitted itself well in the eyes of the
d. Every move Peers made, every facility provided to
itness he or his team examined, was noted and
s hosts and transmitted to the Pentagon, where a
onitored the My Lai investigations for the Army's
The team's prime purpose was to coordinate requests
from Congress and the White House. The same
to Westmoreland every day on Peers's progress in

g Vietnam, Peers had one last meal with his wartime
sky in Saigon, but he remained tight-lipped about
espite the CIA's reservations about the inquiry's
ky was convinced there would be no coverup of the
y wanted a whitewash then they definitely chose
" he said later. "Peers was intellectually honest and
principles. I knew very well if a case could be made
ad been committed, Peers would spare no one,

regardless of rank. There was very little gray area with
was one or the other, black was black and white was white."

One man who wanted to avoid a full inquiry into how the events at My Lai had remained a dark secret for so long was President Nixon. His advisors had been appalled by the political damage they anticipated would be caused by the revelations of a massacre. Whereas Westmoreland and Resor argued for a full inquiry, senior White House officials were anxious to let the matter drop. When Westmoreland learned of this obstruction from Alexander Haig, he threatened to exercise his prerogative as a member of the Joint Chiefs to go straight to the President and object. "That squelched any further pressure for a whitewash," he recorded in his memoirs.

His choice of Ray Peers to head the My Lai inquiry rested on two simple facts. Firstly, he was available. Stationed in the Pentagon and living with his wife in nearby general officers' quarters at Fort Myer, Virginia, he was chief of the Army's reserve forces and national guard. Consequently Peers had no direct command. More important was the fact that he was not a West Point graduate and thus could not be accused of coming under the influence of the fraternity of officers from the academy, a familiar criticism by non-West Pointers when decisions failed to go their way.

Another factor was Peers's reputation for fairness and objectivity as a commanding general in Vietnam. This was particularly important for Army morale if the rest of the officer corps was to believe the General Staff was not indulging in a witchhunt. When in subsequent months he made speeches throughout the country, particularly to military audiences, Westmoreland stressed the complete impartiality of the inquiries into the My Lai allegations. He continually emphasized the Army's respect for the due process rights of anyone accused of offenses arising out of "what was alleged to have happened" at My Lai.

Peers originally expected his investigation would last six weeks. He anticipated they would question only forty witnesses in the offices assigned to the inquiry, the small but secure Army operations center in a windowless basement of the Pentagon, two floors below ground level. The inquiry team met for the first time on November 27—three days after Westmoreland asked

Peers formally to take on the job. Peers had requested a sm
staff of thirteen, anticipating their work would be comple
early in the New Year. But when he returned from Vietnam
investigation suddenly took off in a completely new directi
The number of Army personnel working on the project rapi
expanded until nearly eighty officers, enlisted men, and civil
staff were working full time against the tight deadline. T
inquiry report had to be completed by March 14 because of
statute of limitations which covered the type of military offen
they were considering.

Peers now knew the coverup went far wider than a few jun
officers at the lower end of the chain of command. He also kn
that his team had only skimmed the surface of what had actua
happened at Pinkville. As a result of Feher's and Walsh's inquir
in Vietnam, Peers was also convinced a second massacre occurr
during Bravo Company's assault on My Khe. Following this ne
revelation, Resor and Westmoreland had little choice but to a
prove Peers's request for his terms of reference to be widened
include events that occurred throughout the whole of Son M
village, including the hamlets of My Lai, My Khe, and Co Lu
Peers was determined to find out exactly what happened on Marc
16, 1968, as a precursor to deciding who had covered up th
massacre.

He had deflected one oblique attempt to prejudge his inquiry
mid-December. He and Robert MacCrate had appeared togethe
before the House Armed Services Committee, to answer questio
about the scope of the investigation. Peers told them that, irrespe
tive of the rank or position of any of the people involved in h
inquiry, the chips would fall where they might. Their reception ha
been friendly and cordial. As Peers was leaving the room, th
committee's chairman, Mendell Rivers, approached and invite
him to a pre-breakfast meeting in his office.

When Peers arrived at the Rayburn Building two days later a
7:00 AM, his footsteps echoed along its vast, empty corridors as h
walked to Rivers's office. The place was like a morgue, but even a
that hour he found the committee chairman already hard at work
his desk covered in papers. Throughout their conversation Peer
detected an effort to throw doubt in his way. Rivers mentioned th

difficulty of soldiers being able to tell a VC if he was hidden among the local population, which was stating the obvious to someone like Peers who had only recently returned from commanding a division in Vietnam. As they discussed My Lai, Rivers's whole attitude was "that our boys would never do anything like that."

Peers was taken aback. He couldn't figure out whether this was a roundabout invitation to a whitewash or whether Rivers was really saying the allegations had been falsely reported. Peers spelled out some of the truths he had already learned about the massacre and left Rivers in no doubt that a large number of civilians had been killed in circumstances that could not be justified. The meeting never descended into acrimony and must have had an effect on Rivers, who, ten days later, directed a subcommittee under the chairmanship of Congressman F. Edward Hebert to explore the My Lai incident fully.

Hebert took this instruction at face value and demanded from the Army everything it had on My Lai—including all the evidence being scrutinized by Peers's panel. When all the witnesses and documents the subcommittee wanted were not forthcoming, there was a series of furious outbursts from Hebert, a Louisiana Congressman normally sympathetic to the Army. The Army was anxious not to jeopardize the future trials of My Lai suspects, but Hebert, keen to protect the integrity of his subcommittee, privately warned Westmoreland on several occasions he would not tolerate withholding any witnesses or documents:

> We are going to get the witnesses, period . . . : Don't force us to do what we don't want to do [the issuing of subpoenas] . . . We're right on the edge of a revolt . . . If this ever breaks out in the newspapers it will be a horrible mess. Mutual friends are putting pressure on me to hold a press conference . . . If I don't get these answers, I can't stop it . . . I sent a short, simple letter over there [to the Pentagon] and asked two simple questions and I get a lot of malarkey back instead of answers.

To a considerable extent Westmoreland shielded Peers from these concerns, although as head of the inquiry Peers occasionally met privately with Hebert to brief him. It was politic not to upset an influential member of Congress. Peers's main concern was his

and Geneva conventions to guarantee to safeguard noncombata
and to protect prisoners. If war crimes had been committed, th
those responsible should be brought to proper justice. Some peo
had referred to the killing of 3,000 civilians in Hue by the V
Cong during the Tet Offensive as if it somehow minimized Cha
Company's actions at My Lai, as if there could be any mo
equivalence where mass murder was concerned. For Peers
important point was that America was supposed to repres
civilized values; this was why it was fighting the war. But
regulations were only as good as the men prepared to enfo
them.

The investigation, with all its complexities, took over his life.
days a week he was at his desk early. The first of the morni
meetings to review the previous day's testimony and plan
interrogation of new witnesses began at eight o'clock. His dri
picked him up to return to Fort Myer for dinner with Rose Ma
at 8 PM. MacCrate and Walsh usually took a short break fo
meal and then returned to pore over the paperwork once mo
frequently burning the midnight oil. On Saturday afternoons th
dashed down the parkway to National Airport and took the l
shuttle to New York, returning on the first plane back
Washington on Monday morning.

The full implications of what had happened during and after
massacre crept up on Peers. The day Westmoreland asked h
to take the job he read Ridenhour's letter and initially refu
to accept that the allegations were true. "I have to say qu
frankly that I didn't believe his letter when I first read it," he s
several years later. "I did not believe that this thing could h
happened, but after I got into the inquiry and found that what
was saying was quite true, I ended up with a great deal
admiration for Ridenhour."

Several interrogation teams operated simultaneously in differ
basement rooms because the inquiry had to complete its w
under a tight deadline. The offenses of negligence and derelict
of duty under the Uniform Code of Military Justice were cove
by a two-year statute of limitations. This meant Peers's report
to be submitted by March 16, 1970, the day before if charges w
to be laid. Then it was realized the international dateline me

Washington, DC, was a day behind Vietnamese time. The deadline now was March 14.

By the end of the inquiry more than four hundred witnesses had been questioned and 20,000 pages of testimony taken. Hundreds of documents and photographs had been pored over. Witnesses were asked to take the interrogators through the route they had traveled with reference to the huge engineers' maps adorning the interview rooms. On some days as many as twelve witnesses were questioned. Peers headed one team of interrogators interviewing officers in the chain of command, while Bland West concentrated on members of Charlie Company. Jerry Walsh and Col. William Wilson, whom Peers drafted on his team because of the detailed knowledge he gathe
sixty
abou
Du
comm
mine
the 1
in th
GIs
thou
villag
offici
was
resu
refus
Febr
the c
Willi
was
actio
that
the h

To Peers, the evidence was [illegible]
and a clear pattern of mistreatment of civilians by some members of Charlie Company well before the Pinkville operation. Sure, they had lost troops to booby traps and mines, but this was nothing

exceptional, and the scale of the vengeful violence in the ham during the combat assault shocked Peers. He found the barbar attacks on women especially difficult to comprehend. He co think of no instance either in World War I or II, the Korean W or the Spanish–American War where soldiers had committed brut ties on a scale comparable with My Lai.

Each day when Peers reviewed volumes of testimony there wa new revelation, a new horror story. Thomas Partsch, who show the inquiry team the diary he had written during his tour of duty Vietnam, believed some of those involved in the murders took p out of curiosity to see what killing someone would be like. "As went through there I don't think the guys realized what they until after, when it hit them. Maybe some of them did—they w having a ball, but some of the guys were just like in a daz Others, like Leonard Gonzalez of the 2nd Platoon, who had tr to help some of the wounded Vietnamese, were clear what operation was about: "That day, it was just a massacre. Just pl right out, wiping out people."

Some former members of the company tried to hide the fact th were giving evidence to Peers's committee from their family, frien and workmates. Tommy Lee Moss told his employer he needed day off to go out of town on important business. He testified seeing "guys . . . shooting old women, children, and men. Some [the troops] were putting them in bunches and shooting them the same time. Some of them were beating them and torturi them . . . I saw some guys had bayonets, sticking them in back."

Again and again interrogators struggled to make sense of w the company had gone on its killing spree and why it had taken long for the truth to come out. Herbert Carter, who had cidentally shot himself in the foot, appeared almost incoher when he testified. None of the officers questioning him reali that he was stoned on heroin as he gave evidence. Carter, throu his narcotic haze, said no one would believe what had really h pened:

A lot of people have wondered why I didn't say something. Now w would believe me? You would call me a nut. You would think

nothing like that goes on in the United States. Just like I was in a bar a couple of weeks ago and there was a drunk in there reading the paper and he was asking me if I believed that things like that actually went on. I said: "I wouldn't know, pal." It was kind of weird.

. . . That day I tried my best to stay out of that whole mess. Some people might say that it was a cowardly act but I just tried to stay out of it. It's not my bag. I don't know how those guys can sleep. I can hardly sleep now and I didn't even participate in any of this mess. Something like that is hard to forget. It comes and it goes. I will be so glad when all this is over so I can forget it. They was rounding them up like cattle, they put them in big groups, they shot them. In this one incident I got kind of sick. I really got sick to my stomach.

If they had weapons it would have been a different deal. I wouldn't have thought twice about it. I would go down a tunnel in a minute and it doesn't bother me. A lot of these guys that did the killing are hurting inside but you'll never know about it. They won't say it. They will try and be a big man and say "It don't bother me" but it does. I haven't even participated in it and I can't sleep at night sometimes.

The behavior of the officers at the top of the 11th Brigade and the Americal Division caused Peers great anguish, not least because he had to scrutinize closely the actions of two generals he thought of as personal friends. He liked and respected Sam Koster and his deputy, George Young, now assistant commander of the 24th Infantry Division at Augsburg, West Germany. He knew the inquiry was certain to ruin their careers. In the mid-fifties Peers had had daily contact with both men for three years when they all served together in the plans and operations section of the Army General Staff. He considered both men outstanding officers and admired them greatly. But they were given no quarter when they faced his inquiry.

From early on it was apparent the coverup was so widespread it almost amounted to a conspiracy. Investigators discovered very quickly that many officers who had been in Quang Ngai had had a reunion at Cameron Station in Alexandria, Virginia, the day before Peers was due to begin taking evidence. The party was attended by officers from the 11th Brigade serving in the Washington, DC, area. Peers found it difficult to believe Henderson's assurance that My Lai had not been discussed at this gathering, since My Lai was

e was necessarily the most intelligent of the people I
e brigades.

convinced that the phone conversations with
nditioned Koster's memory of events. Yet Koster
t he had seen a formal report of investigation
ed statements. Finally Peers turned on the man
his friend:

p hearing, Gen. Koster, about a formal report. I say
t is erroneous. I must rephrase that. I can say that
Henderson and yourself, to my knowledge at the
been able to turn up absolutely nothing concerning
that was ever made."
the word 'formal report,' it was formal in the sense
ritten statements by a number of people who had
verbally prior to that time, and I know there was a
big that it included these reports."
ked to some of the people in command positions.
nobody ever talked to them. They made no signed
gave no testimony under oath. We have talked to
out of Charlie Company alone and we have yet to
made a sworn statement or gave any testimony."
itive that the statements were sworn but they were

o statements and to further compound the problem
of such a report ever having arrived at HQ,
There is no copy of the report available. There is
hatsoever aside from that which you and Col.
dicated . . . we can find absolutely no one who has
his report, including people who may have signed
may have prepared it, or any witnesses. We have
every individual who had any typing or prepara-
in the HQ of the 11th Brigade and we can find
nce to it."
n that."
eceive such a report, the way the evidence would
t, it would have been a complete forgery."

half months the inquiry lasted, Westmoreland
to receive a steady drip-feed of information.

Public opinion about the affair was closely monitored within the Pentagon, which kept a running total of letters about My Lai. Fresh publicity inevitably led to a sudden increase in mail about the case. With serious charges pending against several infantrymen in Charlie Company, the Army was anxious to minimize prejudicial news coverage. The laying of charges against some individuals suspected of murder was deliberately delayed to reduce publicity.

News of an impending book about My Lai being written by Seymour Hersh also caused concern. In late January, Hersh met with senior Army officers at the Pentagon requesting information. He warned that the Army would not like his book. In confidential Army memos Hersh was accused of being connected by association with radical, anti Vietnam War elements, including people who had visited Hanoi. One senior officer commented: "I'm not sure just what we can do about [Hersh's book], but I certainly don't think the Army/DoD should be patsies for Hersh, Ridenhour and Co. There is some big money in My Lai [*Life* magazine fees to Haeberle] and it looks like this is an effort to get some of the **$$$** . . . [We] should try to cut this guy's water off at the Pentagon end."

Five hundred letters a week were arriving at the Pentagon. By early February, the total had reached 4,500. Fifty percent continued to support Calley and servicemen generally. Ten percent attacked the press disclosures, and a quarter were against courts-martial in the case because of the effect it would have on the morale of the troops in Vietnam. There was a small crumb of comfort. The notion that the massacre might have been caused by troops high on drugs was ruled out. Each of the four hundred witnesses was routinely asked about drug taking, and there was simply no evidence that marijuana or other drugs had been used by members of Charlie Company when they stormed through the village.

One soldier who had a clear problem with drugs was Robert T'Souvas. He even appeared stoned during his testimony when he gave a long, rambling, and often completely incoherent account of his actions. When Colonel Robert Miller, a senior Army lawyer, had challenged him about his drug taking, T'Souvas became hostile and began arguing, unable to see a connection with the massacre. Miller was trying to unravel why none of the one hundred soldiers

any had come forward at the time to expose what
le wanted to know about the armband T'Souvas had
uniform in Korea. The GI had it made in a tailor's
e his conscience was bothering him and he wanted to
eelings:

guess it was like a dream in the back of my mind, it was a
it wouldn't come true, it would never come out into the
finally when it did and I realized it, I wanted to show my
ward it. I wanted to express what I knew, and I knew that it
, but I didn't really know how to come (*sic*) about telling
was scared, you know, of getting in some kind of trouble
nind I knew it was wrong, I just kept it to myself."

nk if one soldier had come forward, honestly and sincerely
o, let's say, the Inspector General or somebody, this would
known. There are places a soldier can go and he can stand
ke his voice heard in something like this . . . you don't have
g punished for making a report like that."

know right now, but now it's too late. I wish I could have
thing ahead of time."

ckoning at the end of the inquiry was a document which
ating impact on Resor, Westmoreland, and the General
l-February, Peers and MacCrate sent the Chief of Staff
ecretary an interim account to soften the blow of what
o appear in the final report. It came like a bolt from the
y were immediately summoned to see the Army Secretary.
ed he didn't want to control the final report, nor its
sage, but he cautioned Peers and MacCrate about
the use of undue emotionalism and over-strong language.
assages in the interim report they had described the Viet-
ualties as women, children, babies, and old men. Resor
e term "noncombatant casualties." Rapes had been fully
nd he wanted a softer form of words for these as well.
sked me to tone down some of the language," Peers
d, long after he retired. "I had given him a preliminary
h was pretty brutal and a little bloody, some of the
described in rather vivid detail. He could not tell me to
n the report or do anything because of his position, he
uld have violated Army procedure."

In several hundred pages, Peers's report set down the story of what had happened at My Lai and after. The crimes committed by Charlie and Bravo companies had included murders by groups and individuals, rape, sodomy, maiming, assault of noncombatants, and the destruction of several hamlets. Barker and Henderson had substantial knowledge of these war crimes, the report said, but did nothing about it. Henderson's inquiries were nothing more than a pretense to conceal the true enormity of the atrocities. "At every level within the Americal Division, actions were taken, both wittingly and unwittingly, which effectively suppressed information concerning the war crimes committed," the report said.

The report continued: "Henderson's actions appear to have been little more than a pretense of an investigation and had as their goal the suppression of the true facts concerning the events of 16th March." The most significant action to conceal the truth about the massacre was the deception used by Henderson to mislead Koster about the scope and findings of his investigation into Thompson's allegations. The deliberate efforts to withhold information had continued, the report said, while the Peers investigation took its testimony. "While Col. Henderson's later reports were false, and [Young and Koster] were negligent in having accepted them, they probably believed they were withholding information concerning a much less serious incident than the one that actually occurred." In trying to conceal the deaths of twenty to twenty-eight civilians at My Lai, the staff officers at Americal Division HQ effectively concealed the massacre.

For Peers a report alone was not enough. He hurled the Uniform Code of Military Justice at twenty-eight officers: two generals, four full colonels, four lieutenant colonels, four majors, six captains, and eight lieutenants. They were accused of a total of 224 serious military offenses, ranging from giving false testimony and failure to report war crimes, to conspiring to suppress information about war crimes and participating in those crimes or failing to prevent or report them.

Two days before the March 14 deadline for the submission of the report, Peers's team was rushing to complete the final chapter of its findings. Volume 1 contained the inquiry team's report and detailed analysis; Volume 2 had six books of documents; Volume 3

consisted of twenty-six books of testimony running to 20,000 pages; and in Volume 4 were statements taken by the CID. Four Army lawyers, assigned hastily to review the evidence, charged fourteen of the twenty-eight officers accused by Peers with court-martial offenses.

Having completed his Herculean task, Peers faced two more battles with the Army brass. Against his strong objections the Army Secretary refused to charge two Army chaplains—Lt. Col. Francis Lewis and Capt. Carl Creswell—for failing to ensure that Thompson's allegations were properly reported and investigated. Resor was concerned about the damage a court-martial would do to the chaplains' corps. He overrode Peers's view that when it came to reporting war crimes men of the cloth were no different from anyone else and in fact they had an even greater responsibility. Peers believed Lewis especially should have been court-martialed because he had been given a great deal of information about the massacre.

When the Pentagon called a press conference to give brief details of the results of the inquiry and the charges leveled against a number of officers, Peers became involved in a major row behind closed doors with the Army's chief of information, Major General Winant Sidle. Peers had shown Sidle a draft of a short statement he intended making to news reporters in which he referred to a "massacre" having occurred at My Lai 4 on March 16. Sidle wanted the word "massacre" removed from Peers's comments, fearing the damaging effect it would have on the Army's image. Suspecting this request originated with the Army Secretary, and feeling strongly that the public should not be deceived, Peers protested vehemently. The meeting with Sidle ended in deadlock and Peers was ready to boycott the press conference. "We were at it again the following morning, the day of the news conference," Peers wrote later. "I was not about to present a watered-down version and in effect said that if that was what they wanted, please leave me out."

With only hours to go before the public announcement, Robert MacCrate suggested a compromise. Peers, still irritated and apprehensive, agreed to using the words "a tragedy of major proportions" instead of "massacre." Even then Sidle had to check this out

ing the overall role of the Army, with particular emphasis efforts in Vietnam. What is now apparently dissatisfaction k of motivation could rapidly become disaffection," he

11. . . . *And Justice for All*

"It's those dirty rotten Jews from New York who are behind it," an exasperated Richard Nixon kept repeating to a White House aide in late November 1969, as public reaction to the news of what happened at My Lai became more hostile. Opposition to the war in Vietnam grew louder and louder at home and abroad.

Overseas, United States ambassadors reported even sympathetic governments expressing skepticism about America's war aims in Southeast Asia. The foreign press condemned the outrage and in many towns and cities abroad young people took to the streets, drawing parallels between the atrocity at My Lai and the actions of the Nazis. Back home, Vietnam veterans were coming forward with further horror stories of ill-treatment of Vietnamese civilians and prisoners of war by American soldiers. A photograph was published of a Viet Cong prisoner being hurled to his death from an Army helicopter.

The publicity surrounding the revelations of what had happened at My Lai couldn't have come at a worse time in Nixon's view. By the fall of 1969 the ever-growing and vociferous antiwar movement in the United States had become the prime focus of his attention. When students scheduled an enormous antiwar protest on college campuses across the country for October 15, Nixon had fumed in the White House, demanding of his chief of staff Bob Haldeman: "It is absolutely essential that we react insurmountably and powerfully to blunt this attack." He was talking not of hordes of well-armed NVA troops but of American citizens, marching unarmed through the country's academic institutions.

Nixon's was a leave-nothing-to-chance White House, overseen by devoted aides from California, who had been schooled in campaign management by the J. Walter Thompson advertising

agency. Men like Haldeman and John Ehrlichman were ca
fixers hypnotized by their own sense of power, who surrou
themselves with willing acolytes, anxious to do the Presid
bidding so as to keep his ear, until the Watergate scandal bro
about their downfall. The seeds of that corruption and the su
quent humiliation and ruination of Richard Nixon lay in the s
mentality that existed within the White House about the opposi
to the war. Nixon believed the media were responsible for turn
the people against the war and that, from the time My Lai first
came public, press and television commentators and the anti
forces had used "the whole tragic episode to chip away at our eff
to build public support for our Vietnam objectives and polici
Redressing the balance was a key objective of the White House.

Manipulation of the media was nothing new in American po
cal life. All the Presidents who fought their way into the W
House wanted to be seen in the most favorable light. But
Nixon White House was different. The President stayed aloof f
open and direct contact with editors and reporters because it m
him appear vulnerable. Rather he immersed himself in maintain
the image of his presidency by using more underhand method
swaying public opinion. This was essentially an exercise in dec
tion. The mastery lay in not publicly being seen to be manipula
the media, which American society cherished as an almost sacre
independent institution, free of government control, a freed
enshrined in the constitution.

As Nixon became increasingly obsessed by what he saw
biased reports about the war he ordered his closest officials to
on the offensive. They monitored the activities of newspapers
television stations closely, mounting a swift counteraction if
antigovernment item appeared. There was outrage in the C
Office when Senator George McGovern appeared on Joh
Carson's *Tonight* show and called for the immediate
unconditional withdrawal of all US forces from Vietn
McGovern's onslaught came only days after the actress Shi
MacLaine had attacked the war on the same program. The W
House responded by covertly targeting the NBC network fo
letter-writing campaign, not from White House officials but fr
outsiders, trusted Republican Party supporters instructed to

to the network in protest. When a particular strategy required a strong show of support from the public, or if a counterattack needed mounting on a particular individual, Nixon took a close interest in the sordid details. He wanted critical articles planted in newspapers when Senator Edward Kennedy's antiwar stance was requoted in a statement by Hanoi. The President ordered a young aide, speechwriter Pat Buchanon, to begin a letter-writing campaign directed against Kennedy from Boston, the heart of his Massachusetts constituency.

The White House plan against the ever-growing American antiwar movement called for a counteroffensive starting with a Nixon "strategy for peace" speech to the nation on November 3, 1969. It was to be an appeal, delivered live on television, specifically designed to unleash what Nixon believed were the favorable prowar opinions of the silent majority. Aides were instructed to draw up a massive public relations/news management campaign to "demonstrate" the American people's support for the President's stance on the war. The US Information Agency sent to 104 countries around the world a fifteen-minute film called *The Silent Majority*, the theme of which was that most Americans supported the war; that dissenters might have the loudest voice but were not the ones to listen to. The Postmaster General, Winton Blount, declared that antiwar demonstrations were encouraging the communists to fight on. The protesters, he said, were having the effect of "killing American boys."

A secret plan was prepared within the White House to proclaim the huge support Nixon enjoyed across the country. It involved the careful planning of a series of "newsworthy events" at which the President could reemphasize the message. The campaign—which would run through mid-December—ranged from patriotic rallies to a barrage of telegrams and letters to the White House. Suitable quotations from these would be leaked to the media or revealed at special events. Antiwar protesters were targeted for attack by the Justice Department. The courts were to be used to gain injunctions against protesters who during their college moratorium had been reading in public the names of dead soldiers. Later the deputy attorney general, Richard Kleindienst, announced that the New Mobilization Committee to End the War in Vietnam was being investigated for a possible violation of federal conspiracy law.

Other items in the plan concerned the ways the moon missi could be exploited for the campaign. The President was schedul to attend the *Apollo 12* takeoff at Cape Kennedy in Florida, a the White House seriously considered the possibility of see if it could write the script for the astronauts' message from moon.

Nixon was desperate to show Hanoi that America was unit He believed that the more divided the country was, the less it w likely that the enemy would negotiate in Paris. During his netwo television speech on November 3, he crystallized his goal: "Let be united for peace. Let us also be united against defeat. Beca let us understand: North Vietnam cannot defeat or humiliate United States. Only Americans can do that."

The obvious dichotomy between Nixon's appeal for unity and administration's virulent attacks on hundreds of thousands of yo Americans who opposed war seemed lost on the President. appetite for the use of dirty tricks and deception in politics see matched only by his personal capacity for self-deception, a side Nixon's character not fully understood during this first year of presidency. Even in later years Nixon himself appeared neve have discovered much about his own character. When construc his memoirs after his fall from grace, he wrote self-approvingly the November 3 speech had influenced the course of history bec 77 percent of Americans endorsed the speech and 68 percent g him their personal approval. Telegrams and letters did indeed p in—some spontaneously, but many as a result of action by W House staffers among Republican supporters across the country.

Nixon's rhetoric promised the American people a fair and ho able settlement and to continue the fight until the commu came to the negotiating table. The North Vietnamese sa differently. The Nixon doctrine of withdrawing from a direct in future foreign conflicts, by handing over to countries threat by communism the means to defend themselves, was perceive Hanoi as a sign that its relentless action in South Vietnam gradually defeating the United States. It could only mean Ame complete withdrawal at sometime in the future, and ultim South Vietnam would have to stand alone. Hanoi was prepar withstand threats of renewed bombing and continue the fight.

Lukewarm reaction in the media to Nixon's appeal for unity, however, resulted in more White House paranoia. Pat Buchanon's writing skills were employed once more to draft a speech attacking television and newspaper executives as the unelected elite. The central theme was that a small group of biased media executives was deciding what millions of Americans learned about events in the nation and the world. The attack coincided with publication of Hersh's revelations about My Lai. Vice President Spiro Agnew delivered the antimedia tirade, carried live by the three national networks, in Des Moines, Iowa, on November 13, the day Hersh's first article about My Lai appeared. The timing was coincidental.

Agnew's onslaught on the press and television executives shared the spotlight with *Apollo 12*'s astronauts who were scheduled the next day to blast off from Cape Kennedy for the second moon landing. Wide coverage was also given to the second moratorium of those opposing the war, held this time in Washington, DC. A quarter of a million antiwar protesters packed around the Washington Monument and the huge area of open parkland which runs along Constitution Avenue. The scene of this massive demonstration was Nixon's back yard. From a window behind the moat of security guards ringing the White House, Nixon could have easily observed the scene, but instead he watched a football game on television. Later his domestic policy advisor Ehrlichman brought four protesters into the Oval Office. Nixon's hapless and embarrassing attempts at humor to establish a rapport with the small group only made the complete gulf between them seem worse. "It was just awful," Ehrlichman said later. Further along Constitution Avenue at the intersection with 10th Street, protesters stormed the Justice Department building, tore down the Stars and Stripes from its mast, and raised the Viet Cong flag in its place.

It was against this background that the dreadful truth about My Lai unfolded. Through Alexander Haig, newly promoted to brigadier general, the Army kept the White House fully apprised of possible developments in the case. Kissinger in turn passed the information to Nixon via Haldeman. "Now that the cat is out of the bag," he wrote the chief of staff a few days before Calley was formally charged with capital offenses, "I recommend keeping the President and the White House out of the matter entirely."

Conflicting advice came from Daniel Patrick Moynihan, Council lor to the President, who found himself profoundly disturbed b Paul Meadlo's CBS television interview with Mike Wallace Moynihan wrote a personal memo to Nixon expressing his fears:

It is clear that something hideous happened at My Lai . . . I would doul the war effort can now be the same, nor the position of the militar Look if you will at the pictures in *Time* this week. As a father of so about the age of those lying dead in that Vietnam ditch, I shudder when I came to that page. How could it be that there could be such thing to be looked at? I fear the answer of too many Americans w simply be that this is a hideous, corrupt society. I fear and dread wh this will do to our society unless we try to understand it . . . I don't kn with whom you talk on matters this serious but I would hope you mig turn to them.

I think it would be a grave error for the Presidency to be silent wh the Army and the Press pass judgment. For it is America that is be judged. And America will be condemned, unless we undertake so larger effort than can be had from a court-martial.

Moynihan was among many, including a group of law profess from universities throughout the country, who believed a spe presidential commission ought to investigate the massacre. T sheer scale of the crime convinced many experts in jurisprude that, under the Laws of War laid down by the 1949 Gen Convention, America had binding obligations to prosecute criminals, irrespective of whether they were still in military serv Some military lawyers believed Articles 18 and 21 of the Unifo Code of Military Justice could be used to ensure former mem of Charlie Company were not beyond the reach of the law.

It was not clear whether America's highest legal body, the Supr Court, would sanction such a move. In a 1955 ruling the court ju that a former Air Force sergeant charged with murder was entitle the constitutional safeguards provided by a civilian trial. Howeve a crucial 1946 decision involving the Japanese general Tomo Yamashita, sentenced to death after being convicted of responsi for war crimes committed by his troops in the Philippines. Supreme Court upheld the jurisdiction of a US military commis A similar commission in 1942 ordered the execution of eight saboteurs who landed secretly in the United States from a subm

What this held out for the White House was the awful specter of a huge war crimes trial—a Nuremberg-style hearing with two sets of defendants. The mass murderers of Charlie Company would be on trial but so clearly would the American government's military policies in South Vietnam. Kissinger was particularly worried about the effect the My Lai revelations would have on America's ability to fight the war. As Moynihan had said, it was America that was being judged.

Nixon's tactic, true to form, was to go on the attack, to turn the stories about My Lai on their head. He secretly demanded a special investigation of Ronald Ridenhour, whose letter about the massacre the previous April had been ignored by White House staff. At a meeting with Haldeman on December 1, the President secretly ordered that the campaign against media bias be kept boiling and that a covert offensive should be mounted on My Lai. Haldeman's personal notes of the meeting, which remain among Nixon's White House files in the National Archives, reveal the President's bidding: "Dirty tricks—not too high a level; discredit one witness, get out facts on Hue; admin line—may have to use a senator or two, so don't go off in different directions; keep working on the problem."

Nixon condemned the atrocity in public. But one night, according to a White House assistant, Alexander Butterfield, he spent two hours attacking the press for the My Lai publicity. The "dirty rotten Jews" in New York he complained of were most likely the editorial management of the *New York Times*, a constant critic of the government's war policies.

Nixon clutched at anything that offered a sympathetic view of the administration's position. A copy of a cartoon published in an Alabama newspaper struck a chord. Headlined: "For us . . . one time is too much," it showed a drawing of a GI with his hands dripping with blood and labeled: "Alleged village massacre." But the picture was dominated by the towering figure of an ugly thug whose rifle dripped blood, captioned: "Communist atrocities as standard operating procedure." In his own hand Nixon scrawled in the margin: "Good! Write him a note . . . Klein try to get this syndicated."

In public Nixon condemned the use of atrocities in war and promised that all the facts about the massacre would be investigated

and the guilty punished. In the privacy of the Oval Office, however, he was particularly anxious that Ridenhour and Seymour Hersh should be targeted. Nixon wanted to know: "Who is backing Ridenhour?" Through John Ehrlichman, a special investigator began probing Ridenhour's background, possible criminal record and political affiliations. The investigation revealed that Hersh had received $1,000 from the Edgar B. Stern Family Fund to help develop the My Lai story, and that Ridenhour was apparently incensed about it. In his view, Hersh had made money out of the tragedy. The President was told that Ridenhour, allegedly embarrassed and hurt by the affair, had considered consulting a lawyer to help bring legal action against Hersh. Nixon wanted the details secretly leaked to a journalist. Soon after his first articles revealed the massacre, Hersh was followed to work aboard a Washington commuter bus by a junior official in the National Security Agency who sat behind the writer, eavesdropped on his conversations, and reported what he had learned to Alexander Haig.

The My Lai massacre had resulted in two separate inquiries. The CID looked at the crimes committed during the actual combat mission—murder, rape, and assault. Peers examined the aftermath, the possible coverup, and charges of negligence and dereliction of duty. Initially nearly eighty soldiers were under serious investigation as a result of both inquiries. But when it came for the military justice system to follow through with charges, its performance was lamentable. Nixon's pledge to ensure punishment of the guilty became an empty promise.

When the time came for the jury at Calley's court-martial to give its verdict at the end of March 1971, the young infantry officer did not stand in the dock alone. America's system of military justice was also on trial. Until that point it had failed completely and seemed to offer perfect proof of the belief of Clemenceau, the former French Prime Minister, who had declared in 1919 that military justice was to Justice what military music was to Music.

Peers's inquiry had recommended charges be brought against twenty-eight officers and two NCOs involved in the concealment of the massacre. He accused them of negligence and dereliction of duty. But Army lawyers decided that only fourteen officers should

be charged. These included two generals and three colonels. Only one came to court, and he was subsequently acquitted.

The CID inquiry had yielded devastating results. Its investigation into the crimes committed on the day of the massacre involved a total of forty-five members of Charlie Company in addition to Capt. Eugene Kotouc, Task Force Barker's intelligence officer, and Lt. Thomas K. Willingham, a platoon commander with Bravo Company. Allegations ranged from murder and assault with intent to commit murder to violation of the rules of war, from rape to indecent assault. After a painstaking inquiry by the Army's trained criminal investigators, the CID concluded that there was sufficient evidence to charge thirty men with major crimes.

The allegations against the rest of the men either were unfounded or could not be proved or disproved. But Army legal staff decided to lay criminal charges against only those still in military service. There were four officers—Calley, Medina, Willingham, and Kotouc—and nine enlisted men. The cases against the remaining seventeen former soldiers were quietly dropped, even though many of those most closely involved with the case believed there was substantial evidence of their guilt. The departments of Justice and Defense could not agree on how to deal with these men. Some, like Varnado Simpson and Michael Terry, had actually confessed to killing unarmed Vietnamese civilians including women and children. Against others there was the clearest evidence of savage murder and sexual brutality.

Hundreds of people had been slaughtered in cold blood. The killers' identity was known. Yet through a simple bureaucratic decision to do nothing they had literally gotten away with murder. The pledge to bring the guilty to justice lay in tatters. Prime responsibility for this lay with the Nixon administration and its complete failure to establish a clear moral lead for the nation. By refusing calls for a presidential commission to investigate the massacre and its coverup the White House abrogated all responsibility for the conduct of American troops in a war whose very existence was a crucial plank of United States foreign policy. By leaving the prosecutions and judicial decisions in the hands of soldiers, the Nixon administration virtually ensured that there would be no justice for the victims of My Lai. Military law operated to serve the interests of America's armed forces as an

institution, not justice, not international law, and certainly n
moral leadership. It is true that senior officers like Westmorela
and the Judge Advocate General, Major General Kenneth Hodgs
were appalled and horrified by the killings. Within the constrai
of the rules governing command influence they took great pains
ensure that the full force of military law was exercised. But
believe that justice might emerge from a system where the Uni
States Army sat in judgment on itself in a matter so grave as
Lai was to expect too much.

It was precisely for this reason the group of thirty-four emin
lawyers and law professors, many of whom were experts in int
national and military law, had pleaded with Nixon to appoin
presidential commission soon after the revelations of My Lai w
made public. It was not enough, they argued, simply to say,
Nixon had said, that the atrocities were abhorrent. "Mor
required to clear the conscience of the American people," Arth
Goldberg, the eminent lawyer and spokesman for the group, w
to the President:

There is in this grave situation a paramount issue raised by the allega
of the massacre of civilians which cannot be laid to rest by a mil
court-martial of a few individuals. This issue is the extent to which
war in Vietnam is being conducted in a manner inconsistent with
minimum humanitarian standards established by the international la
war and incorporated in the general and military laws of the U
States. We believe that this issue involves the good faith, huma
dedication to law and moral leadership of the United States.

In the White House, chief among those firmly oppose
removing the investigation of My Lai from the military was H
Kissinger, who earlier advised Nixon to reject Moynihan's pl
a special commission. Kissinger told the President to reje
lawyers' proposals:

You have already made your position clear on the incident and the p
recognizes that you desire a full and impartial procedure under ou
to determine the facts, the possible guilt, and the necessary punish
for those involved. As events now appear, this will best be served b
scheduled courts-martial.

To do more at this time would primarily serve to focus additional and unneeded publicity on the incident [our italics] and would probably not be helpful in arriving at any clearer demonstration of facts. It might also conflict with the expressed desire of the responsible authorities to avoid further publicity on the incident lest the rights of the defendants and the position of the US Government be impaired.

Defense Secretary Melvin Laird, who turned down a similar request for a special commission from a US Senator, believed that "the Dept of Army should first have an opportunity to pursue its own investigation and criminal prosecutions to a just conclusion." A presidential commission would not be able to report until after the judicial process had been completed. Laird trusted that the public would better learn the truth of what actually happened at My Lai through the courts-martial that would follow charges against individuals.

It was a completely pious hope. The number of public trials was kept to an absolute minimum. There was no clearing of America's guilt, no large-scale Nuremberg-style judicial hearing at which the accused were put on trial for all the world to see. From the government's perspective this would have rendered its war aims in Southeast Asia untenable; and it would have been naive to expect otherwise.

A handful of soldiers charged with criminal offenses appeared at court-martial trials at different military bases around the country. A secret system of military justice dealt with many other accused behind closed doors. Pretrial hearings were privately held before two of America's highest-ranking Army officers, Lieutenant General Jonathan Seaman, commanding general of the 1st US Army, and Lieutenant General Albert O. Connor, commander of the 3rd US Army.

Of those officers accused by the Peers inquiry of being involved in concealing evidence of the massacre, only one individual—Col. Oran Henderson—was ever tried by a court-martial jury. Charges against the others of dereliction of duty and failure to obey lawful regulations (relating to the attempted coverup) were all dismissed before they could reach a jury. Charges against Brig. Gen. George H. Young, the assistant commander of the Americal Division, Col. Nels Parson, the Americal Division chief of staff, Col. Robert B.

Luper, the artillery battalion commander, and Major Robert McKnight, TF Barker's executive officer, were dismissed early by Gen. Seaman for lack of evidence, on the advice of staff ju advocates. The remaining individuals who faced disciplinary fenses went through a more formal process held under Article 3 the Uniform Code of Military Justice—a type of grand jury hea that allowed evidence to be tested before a public trial, except in this instance the "grand jury" was a general officer.

Koster's protracted Article 32 hearing was held by a one- general who forwarded his recommendations to Lt. Gen. Sea former commander of the "Big Red One"—the 1st Infa Division—during the early stages of the war. Brigadier Genera L. Evans found that while Koster had been remiss in not repor the death of twenty civilians or ordering a proper investigation, the charges against him should be dismissed. Specific mention made of Koster's fine character and long career of outstan service. Seaman duly obliged, although later Koster was dem to brigadier general and the Army withdrew his Distinguis Service Medal. The Secretary of the Army also issued a for letter of censure to Koster's deputy, George Young, who also his Distinguished Service Medal.

These actions, conducted in private, meant that the truth a the enormity of the coverup could be kept secret. This provo strong criticism from those who had been intimately involved the search for truth. Robert MacCrate, the New York la attached to the Peers inquiry as civilian counsel, expressed shock at Seaman's dismissal of the charges against Koster wit even bothering to refer them for trial by court-martial. "In opinion he has done a serious disservice to the Army," MacCrate, who would later become president of the American Association. "What is involved is a failure to recognize the A responsibility to the public at large and a failure to affirm t Army itself the importance of acting in accordance with the of international law, the law of war and the principles o constitution." Jerry Walsh, the other civilian lawyer on the panel, was even more outspoken, calling Seaman's decis "whitewash of the top man." "Generals are given great pow responsibility. They should be held strictly to account when

fail," he said. Congressman Sam Stratton, who served on F. Edward Hebert's subcommittee investigating the massacre, was equally outraged and claimed the dropping of charges against Koster was a grave miscarriage of justice deliberately committed by the Pentagon because it feared "a full public airing of the charges against Koster and of his incredible mismanagement of his command would make the Army look very, very bad."

To this day the sheer inconsistency surrounding Seaman's judgment of Koster's actions still fuels speculation about his true motives. Having decided that a public trial was not justified, Seaman then proceeded to mete out a particularly fatal form of military punishment that effectively halted the two-star general's once promising career dead in its tracks. Seaman, soon to retire from the Army to his home in South Carolina, sent Koster a letter of censure that line by line unstitched his reputation. The letter lambasted Koster's performance in relation to the My Lai operation, a performance that "did not meet the high standards expected of a division commander."

Koster, he wrote, was an experienced general who knew at least twenty civilians had been killed. This should have been reported:

> I feel compelled, not only by time-honored command principles, but also by the peculiar facts of this case, to hold you personally responsible for the failure of the Americal Division to make the required report or to pass on in some other fashion information vital to and required by your superior commanders.
>
> You knew on March 16, 1968 that a disturbingly high number of civilians had been killed. You knew that the count of 128 enemy killed in a brief battalion-size engagement was a near record success for your division . . . contrary to your normal practice you did not overfly or visit the scene of such a significant victory even though you were in the vicinity . . . at your division evening briefing you did not question the absence of information about civilian casualties even though you personally were aware that 20–30 civilians had been killed.

Seaman officially declared that Koster *was* fully aware of Hugh Thompson's allegations that ground troops had fired indiscriminately at civilians and that he had threatened to turn his own guns on American soldiers. However, Koster had merely accepted an oral report from Henderson that "the young excitable pilot had exaggerated":