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The following article is excerpted from Peter
McGregor's book
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Telling My Lais: War Crimes and Reconciliation

Peter McGregor

War Crimes

The Nuremberg Tribunals held at the end of World War II attempted to define war crimes and principles of moral and legal responsibility. Then, during the US War in Viet Nam, the likes of Bertrand Russell and Jean-Paul Sartre established a somewhat different non-governmental War Crimes Tribunal. While their proceedings weren't officially recognised, nevertheless they constituted a moral pressure, especially upon the US and its allies.

In recent times, South Africa and Australia have instituted similar but also differing proceedings. Other official war crimes tribunals are investigating conflicts in parts of the former Yugoslavia, and Mary Robinson, the UN Human Rights Commissioner, has called for such a tribunal for East Timor.

Reconciliation

In South Africa, the Truth and Reconciliation Commission (TRC) held public hearings concerning the apartheid years focusing upon the period from the Sharpeville Massacre in March 1960 to the end of 1993. In contrast to previous war crimes tribunals, where investigation led to retaliation or retribution, the South African emphasis is upon reparations and reconciliation. Truth-telling before the TRC is directly linked to the granting of amnesty. Hence the title of a “truth and reconciliation” commission and its mandate: investigating and revealing the events; granting amnesty to those who “make full disclosure”; allowing victims to tell their stories; providing reparation, rehabilitation, etc. for the victims; reporting findings; and recommending ways to prevent future recurrences.

While the testimony of victims can evoke individual, communal and national healing, the disclosures can epitomise doublespeak. For instance, the former South African Minister for Law and Order, Adrian Vlok, claimed that the words “eliminate” and “obliterate” that were found in official policy documents referring to anti-apartheid activists, didn’t mean the activists should be killed. Even former President F.W. de Klerk undermined his initial general, personal apology with a refusal to accept governmental responsibility for the evils of apartheid.

Nevertheless, the TRC has achieved increased documentation and knowledge of the repression, and increased acknowledgement of both the victims and the perpetrators. The victims’ suffering is given a larger, historical meaning, and they are offered compensation and reparations; the perpetrators are publicly shamed and/or taken to court.

Similarly in Australia, a Council for Aboriginal Reconciliation (CAR) was established, and a report was commissioned looking into the *stolen generations*, the systematic separation of indigenous Australians from their families.

Reconciliation was embraced unanimously by the

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 Federal Parliament, as an “aim to encourage cooperation and improve harmony between Indigenous and non-Indigenous Australians... *with a particular emphasis placed on improving relations by understanding how history has shaped our relationship with each other...*” (CAR –author’s emphasis)

The report, documenting the genocide of Australia’s indigenous peoples, was presented to the Australian public and government in mid-1997 at a national conference in support of reconciliation. It showed, for instance, that “*almost half of the Aboriginal people who died in custody and (whose deaths) were investigated by the Aboriginal Deaths Royal Commission, had been removed from their families as children...*” (Kirsten Garrett, Background Briefing, 11 February 1996)

Hence, it was argued that since the historical realities were now known and established, an appropriate acknowledgement/response would be an apology to indigenous Australians. While many Australians, including state and local government bodies, churches, community groups and individuals have been forthcoming, an apology by the federal government has yet to materialise. Rather, John Howard’s national Government remains resolutely hostile to any substantive reconciliation measures: “Why, once we apologise, we may be obliged to make amends, to compensate...!”

Neither Victims Nor Executioners: For an Ethic Superior to Murder

Camus’ 1946 essay “Neither Executioners Nor Victims” explored the dimensions of war crimes more incisively than the Nuremberg Tribunals. While Nuremberg seemed to acknowledge collective, institutional, and individual responsibility, rulings were only made against defeated enemies. There was little attempt to conceptualise the conditions for, or the criteria defining, war crimes. Despite World War II being an example par excellence of the “just war”, Camus was only too aware that the Allies used methods to defeat fascism that constituted an equivalent descent into barbarism.

Gandhi's dictum that "the means are the ends in the making" revealed how the Allies had crossed an ominous threshold. Before the nuclear bombings of Hiroshima and Nagasaki, the moral/immoral line rationalising murder—the intentional killing of others—even if for a just cause had already been drawn in the fire bombings of Hamburg, Dresden and Tokyo.

Camus argued, instead, for a new social contract that would refuse to legitimate murder. By insisting upon a return to individual conscience and responsibility, by each of us refusing to be executioners, we also refuse to be victims. Camus saw the development of national security states that both coopted the just war doctrine and subordinated individual conscience to the state's requirements as the heart of the problem. The sanctioning of violence and murder as an instrument and policy of the state had to be rejected.

Vietnam Reckonings

A "reckoning" is what former US draft-resister David Harris argues for in his 1996 book, *Our War: What We Did in Vietnam, and What It Did To Us*. He calls for a "coming to terms with ourselves ... stand outside our fears, revisit what we did so many years ago, and clear our souls of this perpetual shadow." He continues:

It is an engagement in the sacred human ritual of studying our own tracks, an attempt at the consecration of those who have gone before through the contemplation of how and why their lives were spent. If healing what the war left behind is possible, I look for such healing in this therapy of honest self-examination and informed acceptance. I also find such a process the most fundamental form of respect. It obliges us to value one another's passing and refuse to spend lives without an accounting.

It is this literature of witness that is so disturbing to Big Brother. Consider once again the My Lai Massacre. <https://scholarworks.umass.edu/democratic-communicue/vol17/iss1/4> 4

Without the pressures for testimony from the likes of ordinary soldiers like Ron Ridenhour and Tom Glen, the US military's prompt cover-up "investigations" just may have succeeded. In the headquarters of the American Division (in December 1968), a reassuring memorandum was prepared for his superior by Major Colin Powell, the assistant chief of staff... Powell wrote what his superiors wanted to hear ... concluded even more complacently, "Although there may be isolated cases of mistreatment of civilians and POWs this by no means reflects the general attitude throughout the Division. In direct refutation of this portrayal (by Tom Glen), is the fact that relations between American soldiers and the Vietnamese are excellent."

The Witness of Memory Incriminates the Angels Of Death

Surely when unrepentant cold warriors like Matthew D'Arcy, finally admit their role, should there not be some fitting response ?

D'Arcy surfaced very publicly in 1997 through the Viet Nam Voices(VNV) project at Casula Powerhouse, in Western Sydney. He was one of the most prominent participants, both at Casula and in the mass media coverage.

Presenting himself as a story-teller, offering his own testimonies and witness, describing himself as a veritable warlord in Viet Nam during the war, proudly claiming to be a founding father of Phoenix, he had the effrontery to entitle his talk, at the VNV Conference on the war, "On the Side of the Angels" (namely his own position). (Remember, Phoenix was the CIA-run, 'counter-terrorist' program that specialised in the covert assassination of suspected Viet Cong sympathisers.) D'Arcy introduced himself as "one of the great Satans of the Viet Nam War." He said his talk would be a reply to the allegations—by LBJ no less--that he was siding with the enemy. Rather, D'Arcy's talk concluded that he was on the side of the angels. Yet he also asserted that his powers as a warlord constituted a *carte-blanche* for genocide. D'Arcy held various senior positions in Viet Nam during the war,

and he reveals more of his attitudes in his essay in the *VNV Catalog*, addressing military intelligence and the (Australian) Army Training Team Vietnam (AATTV):

We had lots of intelligence but no one intelligent enough to use it as a key weapon of war (p.76)... I must admit that even I did not always get it right (p.77) ... I was informed of the My Lai Massacre within hours of it happening, but due to my rather rigid formula for scaling down reported casualties, I did not believe the 400 dead, estimating it to be perhaps 40. The lower number not being an unusual occurrence, I did not proceed with an investigation. (p.77)

Such a shameless admission, the acceptance of regular massacres of civilians as commonplace, surely constitutes moral self-incrimination?

Yet it is probably too late now for any War Crimes Tribunal or (Truth and) Reconciliation Commission concerning the American/Australian/etc. war in Indochina. Though hopefully there still may be such to deal with Pol Pot and his ilk over Cambodia.

This fact probably makes it safe for villains/perpetrators from whatever side to come clean.

While, as Alex Carey argued, even during the war, in the introduction to his pamphlet *Australian Atrocities in Vietnam*, the principal blame for the destruction of Indochina rests with the responsible politicians and high ranking military strategists who should also be held accountable. A public shaming of these people is the minimum ACKNOWLEDGEMENT they are due.

In Australia, the Australia-Vietnam Society (AVS) worked for some 20 years (1975-1995) to help reconstruct Viet Nam and to build mutual respect between the two cultures. This included raising funds and support for the Xuyen Moc Hospital in Phuoc Tuy Province. This project was then taken up and expanded, initially by Freedom From Hunger/Community Aid Abroad (CAA), and more recently by the Australian Government.

Le Ly Hayslip, author of the wonderful autobiography *When Heaven and Earth Changed Places*, has established the East Meets West Foundation, providing humanitarian relief and development services in Viet Nam. The My Lai Peace Park Project was established on the 30th anniversary of the massacre, 16 March 1998, by, amongst others, Thompson and Colburn, US Quakers and anti-war activists.

Light at the End of the Tunnel?

While, by 1975, the Vietnamese, Communists and others had won the war, they certainly lost the subsequent peace. The post-war US embargo/boycott has been a further US “contribution” to the crippling of Indochina.

Meanwhile on the ideological front, cold warriors and their ilk have been busy, since 1975, spoiling the meaning of the Vietnamese victory. For Communist Viet Nam no longer constitutes “the threat of a good example”. Gone is the challenge of a successful, alternative way-of-life to the Western capitalist model—a functioning, viable, different and inspiring model that other third world countries may seek to emulate. Hence, while the US may have, in the longer term, won the war, will it also succeed in obliterating the experiences, the knowledge and memory of what the war was about?

The Struggle of Lived Resistance and Witness Against a Culture of Amnesia and Impunity

The use of experience and memory to resist the project to cripple the meaning of the war is addressed by Sweet Honey in the Rock: “I do remember, that’s why I believe”, and in Milan Kundera’s *The Book of Laughter and Forgetting*: “The struggle of man against power is the struggle of memory against forgetting.”

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