Violations of the laws or customs of war which include, but are not limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian populations of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the high seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

-Nuremberg Principle VI, Clause b
At the time of the Nuremberg trials, Justice Robert Jackson stated that “we are not prepared to lay down a rule of criminal conduct against others which we would be unwilling to have invoked against us.” The time has now come to test our national policies in Southeast Asia against this principle, for it is a matter of increasingly widespread public record that American soldiers have been committing “war crimes” in Southeast Asia for years. The massacre at My Lai, and the actions of men like Lt. Cally, can no longer be described as mere “exceptions” to an otherwise acceptable mode of conduct; the evidence shows that the kinds of acts defined as “war crimes” at Nuremberg, in the Geneva and Hague conventions, and in the U.S. Army Field Manual, have been repeatedly committed by American troops.

Although no nation in the past has ever engaged in such a critical act of self-judgment, we must set the moral precedent of judging ourselves today by standards at least as rigorous as those we employed against our enemies a quarter of a century ago. Unless we do so, we will compound the consequences of our guilt by failing to acknowledge it.

We must therefore insist that the facts be made available to the American people, even though they are facts we are reluctant to acknowledge. This will include a recognition that in the name of America:

- Asian civilians have been brutally and needlessly slaughtered
  (Senator Kennedy estimates that between 25,000 and 35,000 civilians were killed in the war in South Vietnam last year—a 50% reduction “as a result of the diversion of American bombing raids from South Vietnam into Cambodia and Laos.”)

- Villages have been totally destroyed
  (According to Pentagon figures, bombing tonnage from January, 1965 through March, 1971 amounts to 5,795,160 tons. By comparison, the American air force in World War II dropped about one-third that number of tons of bombs in the European, Mediterranean and Pacific theatres combined.)

- Crops have been burned and animals slaughtered
  (The Congressional Research Service statistics admit that 5,205,354 acres of forest and 562,166 acres of cropland were sprayed through 1970 in South Vietnam. Our B-52 raids made more than three and one-half million craters 45 feet in diameter and 30 feet in depth by April, 1969 alone, while wildfires in herbicide-treated vegetation, bulldozers and soil erosion contributed to the starvation and toxic after effects that are part of our legacy to the “preservation of the Vietnamese people.”)
Populations have been deported
("Pacification" under the various policies, "agrohamlets," "agrovilles," and "new life hamlets," has "re-grouped" the population into crowded, unsanitary, "relocation" communities with barbed wire fences. Orville and Jonathan Schell described one instance when, "... the 'pacification' camps became so full that Army units were ordered not to 'generate' any more refugees." The New York Times, March 15, 1971 reported evidence indicating that "The conduct of the war in the last two years has resulted in an additional half-million civilian casualties and generated three million refugees.")

As we look at the widening web of American involvement in war crimes we must ask ourselves, "Where does the blame lie?" It is too easy to dismiss the question by saying that we are all guilty, for if this is so then blame can be so widely distributed that all are exonerated. WE AFFIRM THAT, WHILE SOME ARE GUILTY, ALL ARE RESPONSIBLE, and that the blame goes beyond the individual who himself commits a specific act. Not only those on the scene, but those responsible for the policies leading to specific immoral acts, must also be held accountable. A policy that puts a high premium on "body counts" so that it is advantageous to kill rather than to take prisoners, a policy that creates "free fire zones," a policy that looks upon the entire people as the enemy and orders crop defoliation and mass deportations, a policy that entails indiscriminate destruction of civilians, whether at a distance of 5 feet with a gun or fifty thousand feet in a B-52 bomber—such a policy inevitably leads to the committing of war crimes. So if there is to be any assigning of responsibility, it must go up the line from individual soldiers, through the echelon of officers, to the civilian policy makers who formulated the political stance that made such military actions necessary. This is precisely the position we adopted in trying German "war criminals" after World War II.

This is a hard reality for Americans to acknowledge, but we will pave the way for further war crimes in the future if we do not make it clear that public officials are finally to be held accountable. Indeed, as we press the matter, it is clear that the ultimate atrocity in Southeast Asia is not this or that specific act; the ultimate atrocity is the war itself and the way we have waged it.

In addition to concern about the destructiveness of war crimes upon their victims, we are also concerned about
the impact of such crimes upon those who commit them; they indicate an increasing brutalization of our own soldiers making it possible for them to accept as routine, actions they once would have considered reprehensible. Even while affirming that men can say "no" in combat situations to orders that are a clear violation of minimal moral standards, we must show concern for individual soldiers who have committed crimes which, either at the time or later, struck them as morally abhorrent. It will be an ongoing task to help such men come to terms with their responsibility and guilt.

When the uncomfortable truth of America's "war crimes" has been accepted by our people, we must call for penitence for the crimes that have been committed. But that is not enough. Our emphasis must not be merely on penitence for past misdeeds, but on using the lessons learned—and paid for at such great cost to innocent Asian lives—as a way of insuring that such misdeeds are never again repeated. This will mean the reestablishment of moral constraints, along with a newly-intensified recognition that the breaching of such restraints will entail the sternest kind of accountability. Only then can the message of forgiveness be other than an easy escape from ongoing responsibility.

Clergy and Laymen Concerned was organized as a national emergency committee in December 1965. CALC is supported by over 41,000 persons. CALC strives to give continued and visible evidence of its opposition to the war in a number of ways:

- CALC funds more than twenty full and part time staff persons across the country.
- CALC national office publishes and distributes literature on the war. There are approximately 125 titles on CALC's literature list.
- COMMAND AND CONSCIENCE, a Random House publication, was initiated and edited by James Finn of CALC's Steering Committee.
- CALC publishes AMERICAN REPORT, a unique weekly tabloid that covers the war in Southeast Asia, the movement at home, Third World politics and the political implications of our individual moral and religious commitments.
- CALC played an important role in helping to initiate the Set The Date campaign, an interdenominational move to end the war.
- CALC organized a 6-day conference in Ann Arbor, Michigan in August 1971 to bring together representatives of the religious community committed to peace from communities all over the country.
- CALC just integrated Unsell—a campaign initiated by major New York advertising agencies to "Help Unsell the War"—into its program. Through Unsell, radio, television and print advertising will be distributed to media all through the country.
- CALC participated in the New Mobilization demonstrations in Washington, D.C. and participates in the People's Coalition for Peace and Justice.
- CALC publishes and distributes posters and billboards that graphically demonstrate against the war.
- CALC has devised a series of demonstrations and actions coordinated with Thanksgiving, Christmas and Chanukah which involve people in the witness of our concern about the war and its victims.
- CALC helped to initiate a week-long Citizen's Conference on Ending the War in Indochina, in February 1971, sending 170 Americans from 40 states to Paris for discussion with representatives to the Paris peace talks.
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