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President Nixon initiated campaign to sabotage My Lai massacre trials

The goal was to try to assure that no American soldier would be convicted of a war crime.

By Trent Angers

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Even before the Watergate scandal that brought down his Presidency, Richard Nixon was the prime mover in another illegal action that could have been grounds for impeachment.

It is now clear, after extensive research, that Nixon initiated the campaign to sabotage the My Lai massacre trials so no American soldier involved in the killings would be convicted of a war crime. Obstruction of justice and tampering with a witness are among the illegal acts he authorized.

Working with the President in this campaign – which he approved on Dec. 1, 1969 – were his chief of staff, H.R. “Bob” Haldeman; one of his top propagandists, congressional liaison Franklyn “Lyn” Nofziger; and two of the leaders of the House Armed Services Committee, Congressmen L. Mendel Rivers (D-S.C.) and F. Edward Hebert (D-La.).

This previously unknown Nixon White House scandal is revealed in the newly published Revised Edition of *The Forgotten Hero of My Lai: The Hugh Thompson Story*. Primary sources for the new Nixon revelations include the handwritten notes of

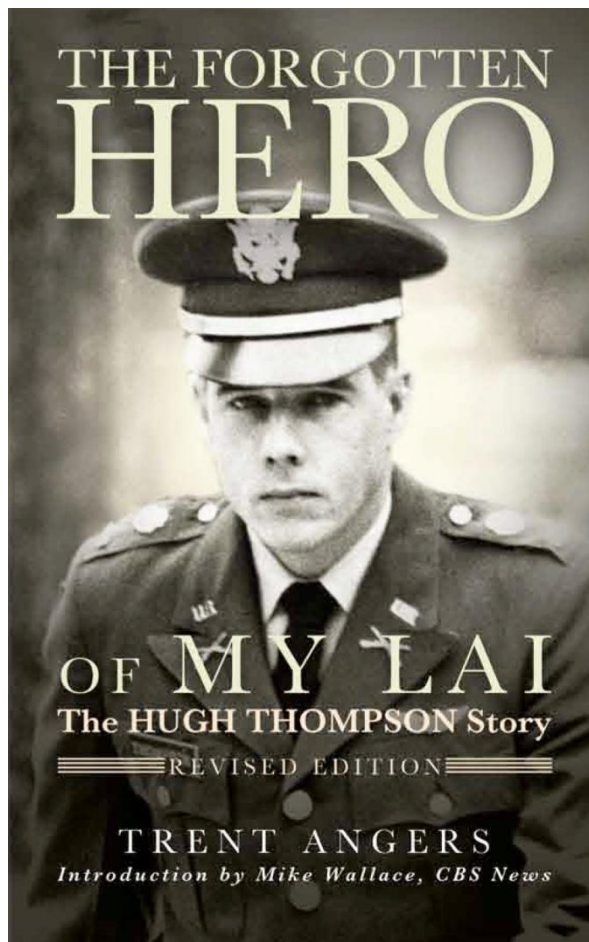
Bob Haldeman, *The Haldeman Diaries*, the autobiography of Lyn Nofziger, interviews with an Army prosecutor in the My Lai trials, and letters from a former Secretary of the Army and more than a dozen former congressmen.

Some of the key facts of the story have been corroborated by two of the nation’s top Nixon scholars.

Nixon took the first concrete step in the clandestine campaign to undermine the trials during a routine meeting with Bob Haldeman, according to the handwritten notes Haldeman made on that day, Dec. 1, 1969. The notes are stored with the voluminous Nixon materials now housed in the Nixon Presidential Library in Yorba Linda, Calif.

The meeting was one of several in which Nixon struggled to figure out how to get control of the worsening public relations nightmare that the massacre brought down on the U.S. government.

The wartime atrocity had occurred not on Nixon’s watch, but during the administration of his predecessor, President Lyndon Baines Johnson. Nevertheless, it was now Nixon’s problem. He would have to deal with the



Cover of *The Forgotten Hero of My Lai: The Hugh Thompson Story (Revised Edition)*.

fallout from what was widely known as one of the darkest chapters in U.S. military history.

The massacre – in which 504 unarmed Vietnamese civilians were slaughtered by out-of-control U.S. soldiers – had been covered up successfully, whitewashed, for more than a year by officers in the chain of command in Vietnam at the time of the incident.

The lid had been blown off the cover-up eight months earlier by a letter from a former soldier, Ron Ridenhour, sent to the President, the Chairman of the Joint Chiefs of Staff, the Secretary of the Army and about a dozen congressmen and senators.

By November 1969, news of the massacre was in the newspapers daily throughout the country. *The (Cleveland) Plain Dealer* published photographs of women, old men, children, even toddlers lying dead on a dirt road at My Lai – irrefutable evidence of the massacre. Then came a stunning television interview by Mike Wallace of CBS News in which ex-G.I. Paul Meadlo confessed publicly to shooting Vietnamese of all ages.

Things had more than heated up. New revelations were being published or broadcast now at a dizzying pace. It seemed that some disturbing development was being announced practically every day. The American people were talking. They were disillusioned, incredulous, upset by this flood of evidence of crimes against humanity. Some were simply in denial.

Nixon and his advisors had been over this subject many times before in the previous six to eight months. Now it was clear that the need for damage control was even greater than they'd originally thought.

Not one to cower under the avalanche of bad news, Nixon's style was to attack the major problems with which he was presented. He was fond of saying one does not coast to victory but must fight to win.

Accordingly, he sat down with Haldeman – the chief enforcer of the President's will – and began describing how the Administration would attack the problem.

First, Nixon ordered that a group of advisors, some of his best thinkers, be organized into a "My Lai Task Force." He wanted input from them on political, military and public relations fronts. The group would include Pat Buchanan, Special Assistant to the President for Media Analysis and Speech Writing; Henry Kissinger, an expert in foreign relations, whose title was National Security Advisor; Herb Klein, Director of Communications for

the Executive Branch; and Franklyn “Lyn” Nofziger, Deputy Assistant to the President for Congressional Relations, whose job was to get members of Congress to support Mr. Nixon’s policies and plans.

The President then authorized Haldeman to try to minimize the damage to the reputation of the U.S. Army brought on by the cascading My Lai revelations. Toward this end, he approved the use of “dirty tricks... (but) not too high a level.”

The “dirty tricks” Nixon authorized played out as thinly veiled attempts to manipulate public opinion by using the news media and outright interference with the judicial process. Firm in his intention that no U.S. soldier should be convicted of a war crime, Nixon then issued a legally risky order, one that can be interpreted fairly as obstruction of justice and tampering with a witness.

“Discredit one witness,” he said, and Haldeman jotted down the directive.

Nixon was referring to Hugh Thompson, the man who was emerging as the star witness for the prosecution of the crimes at My Lai – the U.S. Army helicopter pilot who had confronted and countermanded superior officers while interfering in the ground operation at My Lai.

To achieve the Administration’s objectives, Nixon knew he would need the support not only of the My Lai Task Force – men who worked for him – but also some political allies in the U.S. Senate and House of Representatives.

Nixon routinely used congressmen and senators to do his bidding, to make charges for which he didn’t want to take responsibility, according to Nixon tapes expert Ken Hughes of the University of Virginia’s Miller Center’s Presidential Recordings Program. Nixon sometimes had his aides write speeches or talking points for

the lawmakers, who would deliver them as if they were their own, Hughes explains.

“(We) may have to use a Senator or two,” Nixon said as Haldeman took notes.

Haldeman had his marching orders.

The next day, Haldeman met with Lyn Nofziger and let the President’s wishes be known. Nofziger, a key congressional liaison, ran what he termed a “propaganda operation.” He achieved some of the President’s goals through covert operations – including the use of “dirty tricks” if need be – in a manner not traceable to the White House.

Nixon scholar Tom Schwartz of Vanderbilt University corroborates Nofziger’s statement: It was standard operating procedure in the Nixon Administration that devious or illegal behavior by Nixon’s subordinates was to be done in such a way that it would not be traceable back to the White House.

Nofziger would write in his autobiography some years later (published in 1992) that his job involved attacking and discrediting people and legislation that ran counter to the President’s will.

“I was to persuade members of the House and Senate to praise the President when he did well, ...and to support him vocally in the things he was attempting to do, and to attack those who attacked him,” Nofziger wrote.

Seeking help from the most pro-military members of the House of Representatives fell within Nofziger’s job description. Following his meeting with Haldeman, Nofziger met with Congressman Mendel Rivers, a conservative Democrat from South Carolina.

The chairman of the House Armed Services Committee, Rivers was a dependable ally of Nixon’s in all things military. Rivers was in the business of supporting the best interests of the U.S.

military and promoting their image as honorable, effective fighting men.

Though Rivers wasn't sure, on the spur of the moment, how he could help the President achieve his goals, he was sure he would come up with something. For openers, he was adamantly opposed to the prosecution of any U.S. soldier for what

happened at My Lai. Rivers wanted the President to rest assured that he could count on him in this most difficult of times.

Nofziger delivered the message to Haldeman and Haldeman reported back to the President that they had lined up a strong ally to defend the good name of the U.S. military.

President Nixon and the sabotage of the My Lai trials - Part II

Underhanded legal maneuvers used to prevent war crimes convictions

By Trent Angers

Just a few days after meeting with Presidential emissary Lyn Nofziger, Congressman L. Mendel Rivers, D-S.C., set up a special investigating subcommittee of the House Armed Services Committee. Rivers was chairman of the HASC and would also serve as interim chairman of the new investigating subcommittee.

The announced purpose of the subcommittee was to conduct an independent congressional inquiry into the truth of the allegations that U.S. troops had committed atrocities against civilians at My Lai. The actual purpose of the subcommittee was to serve as a mechanism to sabotage the My Lai massacre trials – in keeping with the President's will to prevent the conviction of any U.S. soldier who may have committed a war crime at My Lai.

Meanwhile, the U.S. Army was conducting its own investigation into what military officials referred to as "the Army's business." They did not appreciate what they felt was inappropriate congressional interference in their business.

The HASC investigating subcommittee proceeded to use its subpoena power to compel the appearance and testimony of virtually all material witnesses to the crimes at My Lai. This meant all the key prosecution witnesses, including Hugh Thompson.

For a week in December 1969 and later for two and a half months, beginning in mid-April 1970, the subcommittee took testimony in secret sessions from the soldiers with firsthand knowledge of the massacre and its cover-up. The sub-

committee sealed the testimony and refused to share it with the defendants' lawyers. This maneuver was a violation of what is called the Jencks Act – which provided the grounds for dismissals or mistrials in all cases that went to court-martial.

The act says that the government – any and all branches of it – must release evidence in its possession including testimony of material witnesses upon the request of the defendants' attorneys. (This is required in order to prevent what lawyers call “trial by ambush.”)

The subcommittee's chairman – first Congressman Rivers and later Congressman F. Edward Hebert, D-La. – refused to release the testimony. One of the criminal cases collapsed as a direct result as Hugh Thompson and other prosecution witnesses were barred by the judge from testifying in that case.

The judges in four other cases refused to apply the Jencks Act, arguing that they could obtain the same testimony from the key witnesses in their own courtrooms. The judges saw exactly what Rivers and Hebert were trying to do.

Secretary of the Army Stanley Resor, too, was keenly aware of what Rivers and Hebert were up to, and he protested angrily, saying their shenanigans were undermining the military justice system. It was clear to Resor they were attempting to sabotage the up-coming trials. He wrote Hebert three letters urging him to postpone his hearings until after the Army's courts-martial were complete. Hebert did not comply.

Similar letters were sent to Hebert and/or Rivers by other congressmen, including Abner Mikva and Ed Koch (cosigned by more than a dozen other congressmen).

One of the prosecutors of the trials, Col. William Eckhardt, was unequivocal in condemning Rivers' and Hebert's underhanded tactics. Eckhardt, now a

professor of law at the University of Missouri at Kansas City, saw the scheme for it was.

“Hebert and Rivers decided that these trials were detrimental to the interests of the United States of America and they tried, calculatingly and technically using the Jencks Act, to sabotage them,” Eckhardt charged.

Moreover, Eckhardt added, besides trying to get Lt. William Calley and the others off the hook, they tried to turn the tables on Thompson and set him up to be court-martialed for threatening the lives of fellow soldiers in his attempt to stop the killing of unarmed civilians.

“Another key to sabotaging the prosecution was to get Hugh Thompson,” Eckhardt observed, explaining that if Thompson were to be successfully discredited and intimidated into silence, then one of the pillars of the prosecution's cases would collapse.

The subcommittee's focused effort to discredit Thompson and to silence him was made clear in the pages of the transcript of the subcommittee's hearing. (These records were sealed until 1976, after the trials and appeals process had run their course.) Hebert and others badgered Thompson, trying to get him to confess under oath that he ordered his gunner to train his weapon on U.S. soldiers at My Lai in his effort to stop the killing of civilians. Out of context, this order could be grounds to court-martial Thompson. Thus, the prospects of his going to military prison hung over Thompson's head like the Sword of Damocles.

But Thompson kept testifying against the butchers of My Lai in hopes of securing justice for the civilians killed that day. Thompson had become something of a professional witness, one of the Army's chief witnesses. It was now his duty as a soldier to testify on behalf of the Army. Day

after day, month after month, he did his duty.

In the end, only one man was found guilty; Lt. William Calley was convicted of the premeditated murder of 22 Vietnamese civilians and sentenced to life in prison. More than two dozen men had been recommended for court-martial for war crimes and related misdeeds. Five were tried, four were acquitted.

Calley's conviction brought on a convulsion of anger and protest among many U.S. citizens and a flood of emotionally charged letters to the President and other top-ranking government officials. Nixon got 260,000 letters and 75,000 telegrams, most opposing the verdict.

Under pressure to act, Nixon interceded in the legal process, releasing Calley from the stockade and allowing him to live in his bachelor's quarters at Fort Benning, Ga., under house arrest pending appeal of his conviction.

Calley was eventually placed on parole in 1974 after serving one-third of a twice-reduced sentence.

TRENT ANGERS is the author of *The Forgotten Hero of My Lai: The Hugh Thompson Story* – the book for which he was twice nominated for the Nobel Prize in Literature. He is a veteran journalist, longtime magazine editor and publisher, and author of six books. He resides in Lafayette, La.



Hugh Thompson, as he appeared in 1966, when he joined the Army.

In the fall of 1969, when Hugh Thompson's name first became known to the public, he was branded a traitor by many of his countrymen and ostracized by many of his fellow soldiers. He lived with that burden for 30 years. He was finally recognized as one of the Army's foremost Vietnam War heroes in March of 1998 when he and his two crew members received the Soldier's Medal at the Vietnam Memorial in Washington, D.C.

Thompson was nominated for the Nobel Peace Prize in 2000 and 2001, and he was inducted into the U. S. Army Aviation Hall of Fame in 2004.

He was invited to speak on battlefield ethics in Europe, Australia, Canada and the United States. Venues included the U.S. Military Academy at West Point, the Naval Academy at Annapolis, Air Force Academy at Colorado Springs, and U.S. Marine Corps University at Quantico, Va.

Today, Thompson's story of courage is taught in battlefield ethics courses around the world.

He died of cancer at age 62 in January 2006.