

# We must minimize cruelties of war

■ Robert S. McNamara

On the night of March 9, 1945, when the lead crews of the 21st Bomber Command returned from the first firebombing mission over Tokyo, Gen. Curtis LeMay was waiting for them in his headquarters on Guam. I was in Guam on temporary duty from Air Force headquarters in Washington, and LeMay had asked me to join him for the after-mission reports that evening.

LeMay was just as tough as his reputation. In many ways, he appeared to be brutal, but he was also the ablest commander of any I met during my three years of service with the U.S. Army Air Corps in World War II.

That night, he'd sent out 334 B-29 bombers, seeking to inflict, as he put it, the maximum target destruction for the minimum loss of American lives. World War II was entering its final months, and the United States was beginning the last, devastating push for an unconditional Japanese surrender.

On that one night alone, LeMay's bombers burned to death 83,793 Japanese civilians and injured 40,918 more. The planes dropped firebombs and flew lower than they had in the past and therefore were more accurate and more destructive.

That night's raid was only the first of 67. Night after night — 66 more times — crews were sent out over the skies of Japan. Of course we didn't burn to death 83,000 people every night, but over a period of months American bombs inflicted extraordinary damage on a host of Japanese cities — 900,000 killed, 1.3-million injured, more than half the population displaced.

The country was devastated. The degree of killing was extraordinary. Radio Tokyo compared the raids to the burning of Rome in the year 64.

LeMay was convinced that it was the right thing to do, and he told his superiors (from whom he had not asked for authority to conduct the March 9 raid), "If you want me to burn the rest of Japan, I can do that."

LeMay's position on war was clear: If you're going to fight, you should fight to win.

In the years afterward, he was quoted as saying, "If you're going to use military force, then you ought to use overwhelming military force." He also said: "All war is immoral, and if you let that bother you, you're not a good soldier."

Looking back almost 60 years later — and after serving as secretary of Defense for seven years during one of the hottest periods of the Cold War, including the Cuban missile crisis — I have to say that I disagree.

War may or may not be immoral, but it should be fought within a clearly defined set of rules.

One other thing LeMay said, and I heard him say it myself: "If we lose the war, we'll be tried as war criminals." We would have been. But what makes one's conduct immoral if you lose and not immoral if you win?

The "just war" theory, first expounded by the great Catholic thinkers (I am a Protestant), argues that the application of military power should be proportional to the cause to which you're applying it. A prosecutor would have argued that burning to death 83,000 civilians in a single night and following up with 66 additional raids was not proportional to our war aims.

War will not be eliminated in the foreseeable future, if ever. But we can — and we must — eliminate some of the violence and cruelty and excess that go along with it.

That's why the United States so badly needs to participate in the International Court for Crimes Against Humanity, which was recently established in The Hague. President Clinton signed that treaty on New Year's Eve 2000, just before leaving office, but in May 2002 President Bush announced that the United States did not intend to become a party to the treaty.

The Bush administration believes, and many agree, that the court could become a vehicle for frivolous or unfair prosecutions of American military personnel. Although that is a cause for concern, I believe we should join the court immediately while we continue to negotiate further protection against such cases.

If LeMay were alive, he would tell me I was out of my mind. He'd say the proportionality rule is ridiculous. He'd say that if you don't kill enough of the enemy, it just means more of your own troops will die.

But I believe that the human race desperately needs an agreed-upon system of jurisprudence that tells us what conduct by political and military leaders is right and what is wrong, both in conflict within nations and in conflict across national borders.

Is it legal to incinerate 83,000 people in a single night to achieve your war aims? Was Hiroshima legal? Was the use of Agent Orange — which occurred while I was secretary of Defense — a violation of international law?

These questions are critical. Our country needs to be involved, along with the International Court for Crimes Against Humanity, in the search for answers.

■ Robert S. McNamara was secretary of Defense under Presidents John F. Kennedy and Lyndon B. Johnson. ■

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