

Miami Herald
U.S. Probe
8/24/72
Of My Lai
Still Shut

**Judge Refuses Bid
To Make It Public**

WASHINGTON — (AP) —
A federal judge has rejected
an effort by Rep. Les Aspin
(D., Wis.) to make public a
Pentagon investigation of the
My Lai massacre of Vietnam-
ese civilians.

U.S. District Court Judge
John H. Pratt ruled the so-
called "Peers Commission
Report," the Pentagon's own
investigation into charges
that the Army tried to cover
up the My Lai incident, need
not be made public.

Aspin had filed suit April 3
seeking public disclosure of
the report under the Freedom
of Information Act.

But Pratt ruled that the re-
port was protected from dis-
closure by the act's exemp-
tion of "investigatory files"
and "internal working pa-
pers."

OFFICIALLY entitled "De-
partment of the Army Re-
view of the Preliminary In-
vestigation into the My Lai
Incident," the report was
prepared by a commission
headed by Lt. Gen. William
R. Peers.

Aspin, a member of the
House Armed Services Com-
mittee, charged in his suit
that Defense Secretary Mel-
vin R. Laird and Secretary of
the Army Robert F. Froehlke
were improperly withholding
the report from public scruti-
ny.

Pratt said the test for ex-
empting "investigatory files"
was "whether the files
sought to relate to anything
that can fairly be character-
ized as an enforcement pro-
ceeding."

Pratt said the Peers report
"was in fact the basis for the
bringing of charges under
the" military code against
both officers and enlisted
men.

". . . FURTHERMORE, at
least one of these proceed-
ings, that involving Lt. (Wil-
liam) Calley, is still on ap-
peal."

Pratt said another exemp-
tion in the Freedom of Infor-
mation Act covers "internal
working papers in which
opinions are expressed and
policies formulated and rec-
ommended," an exemption
designed "to protect findings
and recommendations pre-
pared by a subordinate in
order to inform and advise a
superior."

The judge said the Peers
report also falls within that
legal protection and need not
be disclosed.