

*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.