

Calley Lawyers Ask Secret-Probe Data

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Lawyers for Army Lt. William L. Calley asked the U.S. Military Court of Appeals yesterday to subpoena all records, including wiretap evidence, that may have been gathered in a secret White House investigation of the Mylai massacre.

The 21-page motion stemmed from recent news reports that such an inquiry was made in 1969-70 by a team of White House probers said to have been acting under orders of then top presidential aide John D. Ehrlichman.

The motion called on the court to demand all data that may have been obtained at the request, order or suggestion of Ehrlichman or other White House officials.

According to the news reports, the inquiry was carried out by a group said to have been "precursors" of the White House investigating team organized later to probe news leaks of the Pentagon Papers.

Named along with Ehrlichman in yesterday's action were John J. Caulfield and Anthony F. Ulasewicz.

(According to accounts printed earlier this month in The Washington Post and the New York Times, Ehrlichman directed Ulasewicz and Caulfield to determine whether the early news accounts of the Mylai massacre were accurate.

(According to a source familiar with Caulfield's account of the investigation, Ulasewicz interviewed a number of the Mylai veterans whose eyewitness stories appeared in newspapers at the time. His reports, the source said, were relayed by phone to Caulfield who passed them on to Ehrlichman. The investigation, the source said, did not involve any electronic surveillance.)

Capt. J. Houston Gordon, one of Calley's military attorneys, said yesterday's motion was for "discovery and extraordinary relief" aimed at finding out what information may have been obtained by the White House probers, particularly from eyewitnesses or participants in the massacre of more than 100 Vietnamese civilians at the hamlet of Mylai 4 on March 1968.

Calley was a platoon leader in the U.S. Army unit that made the sweep through the hamlet. He later was tried and convicted in the death of not less than 22 persons.