

1969

CALLEY LAWYERS AND JUDGE MEET

Violations of Publicity Ban
Disturb Col. Kennedy

FORT BENNING, Ga., Nov. 28 (AP) — An Army judge, concerned that prospective witnesses in the case of the alleged Songmy massacre are defying his ban on talking to newsmen, met with prosecution and defense lawyers today.

Afterward, no information was released regarding the meeting called by the judge, Lieut. Col. Reid W. Kennedy.

Asked what authority he has for restricting witnesses or news media, Colonel Kennedy said, "I have no comment."

"I can understand," he had said, "almost anything except this continuous interrogation of witnesses and potential witnesses and the publication of what they say before it is said in court."

Colonel Kennedy will establish legal guidelines for the general court-martial of Lieut. William L. Calley Jr., who is charged with premeditated murder in the deaths of 109 Vietnamese civilians on March 16, 1968.

Lieutenant Calley's civilian attorney, George Latimer of Salt Lake City, said today that news articles concerning the case "definitely have impaired the accused's chances of having a fair trial."

"I think the characterization of the acts has an impact on people," Mr. Latimer said, "and these reports would have a tremendous impact on everyone—servicemen, the military, civilians, fathers and mothers.

"I think there is a constitutional problem involved. I'm anticipating filing more on the basis of that." Mr. Latimer did not explain what action he might take.

Lieutenant Calley, 26 years old, was a platoon commander in Company C, 1st Battalion, 20th Infantry, 11th Infantry Brigade in Vietnam. He now is assigned to Fort Benning, where he is an aide to Col. Talton W. Long, deputy post commander. The lieutenant is not under confinement and is restricted only by orders not to leave the Columbus, Ga., area without permission.

No date for his court-martial has been set.

Twenty-six men are under investigation in the case, 15 of them now civilians.

In addition to Lieutenant Calley, only one other man has been charged. S. Sgt. David Mitchell is charged with assault with intent to commit murder. The Army has not yet decided whether to court-martial him.