

Song My Stories

Lawyers Back Press Gag Ban

WASHINGTON — (CDN) — Washington lawyers were not surprised that the U.S. Court of Military Appeals refused to enjoin news media from publishing further information and pictures about the alleged massacre at Song My.

Arguing that First Lieutenant and William L. Calley, charged with premeditated murder of at least 109 South Vietnamese civilians, could not get a fair trial if publicity about the incident continues, the military attorneys for both the prosecution and the defense sought an injunction here.

Unsigned

The three judges, in an unsigned opinion, said yesterday:

"We need not explore the power of this court, or of any other tribunal, to impose pre-publication limitations by way of injunction, or otherwise, upon the freedom of speech and of press.

"Nor do the facts require

us to propound rules for the resolution, prior to trial, of anticipated conflicts between the individual's right to a fair trial and the rights of freedom of speech and of press."

Joseph L. Rauh Jr., a prominent Washington lawyer, expressed what he thought was the prevailing opinion of the legal profession here.

Publicity Play

"It would have been an absolute outrage for the court to have told the news media that it could not print and broadcast the news," he said. "It would have been a clear violation of the First Amendment."

Rauh said it is simply not possible to stop the papers from printing the news, once it's out. In his opinion, the Army lawyers must have known they did not stand a chance but were engaging in this exercise as "a publicity stunt in a move to slow down criticism."

Aussie Calls

Massacre 'Rubbish'

SONG MY (Vietnam) — (UPI) — An Australian officer said today the women of My Lai hamlet, a part of the Song My complex, "knew how to cut throats and the children could strip down a weapon like professionals."

Capt. John Nelson, 26, a Special Forces adviser to South Vietnamese troops, said he thought reports of an American massacre against the civilians of My Lai were "rubbish."

"I don't believe a massacre ever happened," Nelson told a newsmen. "I've been in the field around here for four months, and this is the first I've heard of any massacre. That place was in enemy territory."

Nelson, who has been in Vietnam 18 months, said he believed reports of the massacre could make commanders reluctant to carry out orders if they end up with "their hides tacked to the wall."

Army Mum on 24 In Song My Probe

WASHINGTON — (AP) — The Army refuses to identify the 24 soldiers and ex-soldiers under investigation in the alleged massacre at Song My or to name any other members of the platoon and company involved.

Army regulations prohibit identifying witnesses or potential witnesses in court-martial cases, an Army spokesman said.

He said release of the names "would tend to aid violations of the order" issued by the military judge in the Calley court-martial case directing that "all witnesses who have knowledge of the incident to refrain from discussing evidentiary matters."

First Lt. William L. Calley Jr. is awaiting court-martial at Ft. Benning, Ga., on charges of premeditated

murder of at least 109 Vietnamese civilians. Staff Sgt. David Mitchell has been charged with assault with intent to commit murder and Ft. Hood, Tex. officials will decide whether he should be tried.

The Army has said 24 others are under investigation, nine of them still in service, but has refused to provide any other information about suspects or witnesses.

For some time, the Army refused to say anything at all about the Calley case, except to acknowledge he had been charged for offenses allegedly committed against civilians in Vietnam in March 1968.

It took the position that it would not be appropriate to provide further details so as "not to prejudice the continuing investigation and the rights of the accused."

The Army later relented, after publication of a number of interviews with former members of Calley's platoon, and provided a detailed report on the circumstances to Congress and the press.