

Non-My Lai Death

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Army Assesses Calley Evidence

FT. BENNING (Ga.) — (UPI) — Military authorities met today to decide whether there is enough evidence to charge First Lt. William L. Calley Jr. for the murder of a Vietnamese civilian.

The incident apparently is unrelated to the alleged My Lai massacre, for which he faces a court-martial.

Attorneys for the young infantry officer will argue tomorrow for dismissal of the charge Calley slaughtered 109 civilians at the South Vietnamese hamlet of My Lai March 16, 1968. They also will seek to have the second charge dropped.

The outcome of today's secret meeting may not be known for days.

6 Motions

Defense attorneys George W. Latimer and Maj. Kenneth A. Raby have six motions to be heard tomorrow before Lt. Col. Reid Kennedy, the trial judge.

Two of the motions ask that the original charge be dismissed, contending Calley cannot get a fair trial because of prejudicial statements.

Another claims Calley's constitutional rights were violated when he was held over in the Army past his Sept 5, 1969, discharge date because of the My Lai investigation.

Latimer, who wants the trial moved to a civilian court, alleges prejudicial statements by public officials, including President Nixon have pre-empted the possibility of a fair trial.



LT. CALLEY
His fate in balance

Details Demanded

He also accuses segments of the news media with releasing prejudicial material about the case.

Calley, 26, is charged in five counts with premeditated murder in the alleged massacre. One motion before Kennedy will demand that the government specify the circumstances surrounding each of the reported 109 murders and to state, for the first

time, whether Calley is the alleged triggerman or gave the orders in his role as platoon leader.

Calley led a platoon on a sweep through the Viet Cong stronghold at My Lai in Song My village on the day the alleged incident occurred. Witnesses claim men, women and children were herded into the streets and shot down by Americans using small arms and grenade fire.

No date has been set for the court-martial. Conviction could result in a death sentence.